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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

DRAFT LAW ON MEDIA

**DRAFT LAW AMENDING THE CODE Nr. CSMA174/2018
AUDIOVISUAL MEDIA SERVICES CODE
(CONSOLIDATED VERSION)**

**DRAFT LAW AMENDING LAW Nr. 62 ON ADVERTISEMENT
(CONSOLIDATED VERSION)**

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PARLIAMENT OF THE REPUBLIC OF MOLDOVA**LAW****on media**

The Parliament adopts this organic law.

**Chapter I
GENERAL PROVISIONS****Article 1. Purpose and subject matter of the law**

(1) This law regulates the rights and obligations of natural and legal persons in the field of mass media, establishes measures to guarantee freedom of expression, protection of media pluralism, protection, autonomy and safety of journalists, ensuring institutional autonomy and editorial independence, including requirements for transparency of ownership structure and responsibilities of media service providers.

(2) The guarantees regarding the exercise of the right to freedom of expression, ensuring the balance of the right to freedom of expression and the protection of honor, dignity, professional reputation and private and family life of the person are regulated by Law no.64/2010 on freedom of expression.

(3) This law applies to media service providers which have their head office, editorial office or permanent residence in the territory of the Republic of Moldova; or cumulatively fulfill the following conditions if the head office and the editorial office are not located on the territory of the same state:

a) the majority of employees involved in the provision of media services are based in the Republic of Moldova; and

b) editorial decisions regarding media services are taken on the territory of the Republic of Moldova.

(4) This Law shall not apply to the issues regulated by the Code on Audiovisual Media Services, no.174/2018 on audiovisual media services, except in the cases expressly provided for by the rules of this Law.

(5) The provisions of this law concerning the disclosure of conflicts of interest, the prohibition of incitement to discrimination, violence, war, hatred and intolerance, as well as the regulations on the protection of children, comment and commercial communications apply to all forms of communication that are media services.

(6) This law applies only to forms of communication that meet the conditions and criteria established for media services and does not apply to private forms of communication.

Article 2. Main concepts

For the purposes of this Law, the following terms and expressions shall have the following meanings:

media market concentration - the accumulation and consolidation of control over media service providers by one or more natural and/or legal persons, which may affect media pluralism as well as unfair competitive practices in the media market. This includes direct or indirect control over ownership, editorial decisions, financial resources, distribution or advertising in the media sector;

horizontal concentration - a process whereby a natural/legal person directly and/or indirectly owns and/or controls several economic entities of the same type operating on the media market (media institutions of the same type - press publications, radio, television, audiovisual media service distributors; advertising agencies; production houses; sales houses, etc.);

vertical concentration - a process whereby a natural/legal person directly and/or indirectly owns and/or controls several economic entities of different types operating on the media market (media outlets, distributors, producers, advertisers, etc.);

conflict of interest - a situation in which the financial, property or personal interests of the media service provider, its administrators, owners or members of their families, as well as other natural or legal persons with whom they have had or have personal, economic or political relations, influence or create the appearance of influencing the ability of the provider to provide information of public interest or of general social interest in an impartial and objective manner;

editorial board - a group of individuals composed of the editor-in-chief, editors and journalists employed and other collaborators or permanent staff members employed by the media service provider either on the basis of an individual employment contract or on the basis of a civil contract. Where there are no editors, journalists employed by the publisher or other contracted or permanent staff, the editorial function may be carried out entirely by the editor-in-chief, who assumes editorial responsibility;

content - any finished information product created for various purposes (informational, educational, recreational, literary, literary, commercial, promotional, etc.) and disseminated in any medium, including the digital environment, to a defined or indefinite number of users/targets;

media content - material in the form of text, sound, ~~(moving)~~ images or combinations thereof created, organized and distributed by means of a media service under the editorial responsibility of a media service provider;

content that violates rights protected by law - media content that contravenes legal rules, including violation of fundamental human rights, copyright, the right to privacy, the protection of dignity, minors and personal data, as well as incitement to hatred, violence, discrimination or spreading disinformation. This content may include incitement to hatred or violence or spreading discrimination, intolerance, hatred or violence based on race, color, national, ethnic and social origin, social status, citizenship, language, religion or belief, age, sex, gender identity, marital status, sexual orientation, disability, health status, HIV status, opinion, political affiliation, property, birth or any other criteria;

blatantly illegal content - media content that endangers national security, incites violent overthrow of the constitutional order of the state, incites military aggression or armed conflict, or content the dissemination of which constitutes illegal activity, including public provocation to commit a terrorist offense, child pornography offenses, and offenses of a racist and xenophobic nature;

creator of media content - any author of finished information products, produced under the conditions of this law for informational, educational or recreational purposes, under editorial responsibility and intended for a wide audience;

editorial decision - the action or decision taken by the media publisher, in the exercise of editorial responsibility, regarding the selection, organization, classification and presentation of media content for public dissemination. The editorial decision relates to day-to-day operations and seeks to comply with the legal framework, stated editorial policies and applicable ethical rules;

disinformation - verifiably false or misleading information that is created, presented and disseminated for economic gain or to deliberately mislead the public and which may cause public harm. Public harm includes threats to democratic political and policy-making processes as well as threats to public goods such as the protection of citizens' health, the environment or security. Disinformation does not include error reporting, satire and parody, or partisan news and comment clearly identified as such;

media publisher - **the** natural or legal person who ensures editorial responsibility in the process of providing or broadcasting a media product, selection, organization and classification of content, including the programmes provided, and who determines how this activity is managed within a media service provider;

Media literacy - the set of skills, knowledge and abilities that enable citizens to use the media effectively, safely and responsibly. It goes beyond simple familiarization with tools and technologies, aiming to develop the critical thinking skills needed to analyse and interpret

complex realities, discern between opinions and facts, and recognize possible manipulation or misinformation;

media service provider - a natural or legal person whose principal professional activity is the provision of a media service, including the administration, management and operation of online platforms, with editorial responsibility for the selection and organization of its content;

journalist - an individual **creator of media content** who, on a regular and direct basis, carries out activities of gathering information of public and/or social-general interest from any relevant source, writing and editing this information in any form - text, photography, video and/or audio recording, drawing, graphics, etc., for public dissemination in any way, including through the mass media, for informational, educational or recreational purposes, respecting the ethical and deontological rules of the profession;

media - natural or legal persons engaged in the production, distribution and dissemination of media content intended for a wide audience, exercising, assuming or holding editorial responsibility for that content, within a regulated professional field in which media services are conceived, produced, distributed and delivered;

online platform - hosting service which, at the request of a beneficiary, stores and disseminates information to the public, unless this activity constitutes a minor and ancillary function of another service or a secondary functionality of the main service and, for technical and objective reasons, cannot operate independently from that other service;

media pluralism - /form of pluralism that ensures diversity of media service providers and diversity of media services (external pluralism); diversity of content within media services (internal pluralism); diversity of political opinions (political pluralism) and cultural expressions (cultural pluralism), diversity of messages addressed to target audiences at local, regional, national or international level (geographical pluralism), diversity of languages in which media services are provided (linguistic pluralism) which, taken together, contribute to the realization of the right to freedom of expression and the right to information;

media product - a finished and self-contained editorial unit in the form of text, image, audio, video or a combination thereof, intended for the general public for information, educational or entertainment purposes, supplied separately or as part of a media service;

spyware - any digitally enabled product specifically designed to exploit vulnerabilities in other digitally enabled products, which enables covert surveillance of natural or legal persons by monitoring, extracting, collecting or analyzing data from such products or from natural or legal persons using such products, in particular by covertly recording calls or otherwise using the microphone of an end-user device, filming of individuals, their machines or surroundings, copying messages, taking photographs, tracking browsing activity, geo-location tracking, collecting other sensory data or tracking activities across multiple end-user devices, without the natural or legal person concerned being specifically informed and without having given their specific consent;

beneficial owner - an individual who, by law and/or contract, is in one of the following situations:

a) benefits or may benefit from any type of income from the activity of a media service provider or distributor of media services and is not obliged to hand over this income to a third party;

b) directly or indirectly, through affiliated persons, has control over the media service provider or media service distributor;

c) is a member of the management body of a legal person having a non-commercial purpose or of a legal person in which no natural person has an interest equal to or larger than a substantial interest, and has the power to dismiss, alone or jointly with other members, a majority of the members of the board, the executive body or a majority of the members of the executive body and/or the censor or a majority of the members of the censorship committee of the media service provider or media service distributor. They may not be a beneficial owner:

a) the Parliament, the President of the Republic of Moldova or the Government;

b) a central specialized body or central administrative authority;

c) a local public administration authority;

d) other body/authority, established for the purpose of exercising administrative, social-cultural or non-commercial duties;

- e) a public institution financed in whole or in part from the state budget;
- f) a commercial organization financed in whole or in part from the state budget;
- g) a social-political party or organization;
- h) a commercial organization that has as founder or co-founder at least one of the subjects referred to in lit. a)-g);
- (i) a trade union;
- j) a religious cult;

press publication - an organized collection of mainly literary works of a journalistic nature, consisting of texts intended to inform, analyze, comment on or report events, facts, ideas or opinions, written in accordance with the rules of journalistic ethics

editor-in-chief - the natural person responsible for the selection, organization or temporal (time, duration, chronological order) or spatial (place, position) placement of media content in the media, having other duties set out in the act of incorporation of the media service provider

editorial responsibility - exercise of effective control and application of strict oversight procedures over the selection, organization and classification of media content and media product provided or broadcast by the media service provider. Editorial responsibility also includes the ongoing verification of media content generated with the use of artificial intelligence tools used for the automatic adaptation and generation of relevant content for various audiences, in accordance with editorial policies and ethical and professional standards.

media service - a service, or a severable section thereof, intended for the general public for informational, educational or entertainment purposes and under the editorial responsibility of the media service provider. Depending on the classification criteria, media services can be public or private; print, audiovisual, online or mixed; local, regional, national or international, news, generalist or thematic (niche)

Article 3. Freedom of expression of the media

(1) The state guarantees freedom of expression of the media. No one may prohibit or prevent the mass media from disseminating information of public interest except in accordance with the law.

(2) Media service providers make media services available to the public in accordance with the provisions of the Audiovisual Media Services Code and Law 64/2010 on freedom of expression.

(3) The activity of media service providers is based on respect for freedom of expression, protection of human personality and dignity, ensuring the free flow of information, guaranteeing media pluralism, independent editorial responsibility of publishers, autonomy of journalists and other actors in producing media content in accordance with editorial concepts and journalistic ethics, as well as on assuming personal and institutional responsibility for the consequences of their work.

(4) The editorial independence of the media is recognized and guaranteed by law. Censorship is prohibited.

Article 4. Media pluralism

(1) Media pluralism is a fundamental principle of media activity and includes:

a) ensuring plurality of information sources and media providers as well as diversity of media content and media product;

b) guaranteeing access for citizens, including national minorities, local communities, people with disabilities and other vulnerable social groups, to relevant information and media content in languages and using technologies accessible to them;

c) to promote independent, ethical and responsible journalism based on respect for professional ethics and standards;

d) reflecting diversity of opinions, political, cultural and social beliefs and supporting cultural and artistic creativity in the media;

e) facilitating public access to pluralistic, independent and diverse media content as a cornerstone of democracy, the rule of law and active civic participation;

f) Support media education and information literacy to develop critical skills and responsibility of media consumers/users;

g) ensuring transparency of media ownership and sources of funding to prevent hidden influences on editorial content and to protect pluralism.

(2) The State shall ensure respect for media pluralism by:

a) Develop, promote and update a legislative framework to prevent concentration of media ownership and foster fair competition between media service providers;

b) encouraging the production of local, regional, cultural and minority language media content;

c) financing and supporting initiatives that contribute to media diversity, in accordance with the Law no. 50/2024 on the Media Subsidy Fund;

d) regular studies and reports on the state of media pluralism and accessibility of information for different social groups;

e) Promoting transparency of media ownership by regulating the publication of information about the owners/beneficiaries and funding of media service providers;

f) Stimulating media education and promoting media literacy among the population to encourage critical thinking about information sources;

g) protecting independent, ethical and responsible journalism and supporting media initiatives that promote good ethical practices, transparency and editorial responsibility;

h) ensuring the protection of journalists' sources of information, in accordance with Law no.64/2010 on freedom of expression;

i) ensuring the protection and safety of journalists, especially during war, conflict, protests and demonstrations of all kinds.

(3) The state may finance media projects from the public budget through the Media Subsidy Fund or state advertising or.

(4) Public funding aims to encourage media pluralism and, in particular, the production and publication of media content relevant to:

a) promotion of social cohesion, cultural diversity, preservation of traditions and identity of the Republic of Moldova;

b) European integration of the Republic of Moldova;

c) science, culture, art and education;

d) protection of the rights and dignity of citizens, including minority communities, against discrimination, stereotypes and prejudice;

e) children, sport and youth;

f) environmental protection and sustainable development;

g) promoting health and a healthy lifestyle;

h) promoting agriculture, tourism and entrepreneurship;

i) consumer protection;

j) fight against corruption;

k) social integration of socially vulnerable groups in society

l) developing civil society and volunteering;

m) promoting media literacy and professionalism in the media;

n) protecting the dignity and promoting the rights of vulnerable groups of persons

o) promoting the fight against hate speech, online harassment and the spread of disinformation;

p) promoting the defense of women's rights, improving gender equality and combating sexism.

(5) State advertising is regulated by the Law on Advertising no.62/2022.

Chapter II

ORGANIZATION OF ACTIVITY, REGISTRATION, RIGHTS AND OBLIGATIONS OF MEDIA SERVICE PROVIDERS

Article 5. Establishment and registration of media service providers

(1) Media service providers are natural and/or legal persons.

(2) The state and public authorities cannot be founders of media service providers, except as provided for in the Audiovisual Media Services Code.

(3) The registration of media service providers, with the exception of individuals, is ensured by the Public Service Agency.

(4) If media service providers are engaged in economic activities, registration is provided in the manner established by Law no.845/1992 on entrepreneurship and enterprises.

(5) Media service providers are active from the date of registration

Article 6. Press publications

(1) Press publications, as media service providers, may be printed (daily, weekly or other) and/or online (whose content is disseminated via the internet). The publication may also include other types of copyrighted works or materials that fulfill the following conditions:

a) represents an individual item in a periodical or regularly updated publication under a single title, such as a newspaper, general interest or specialized magazine;

b) is intended to provide the general public with information, analysis or opinions on current affairs, news or other relevant topics;

c) is published by any means of communication (written or online) under the editorial responsibility and supervision of a media service provider.

(2) The following shall not be considered press publications for the purposes of this Law:

a) periodical publications of political and social-political parties;

b) periodicals that are published for scientific or academic purposes, such as scientific journals;

c) periodical publications of an erotic nature or published for advertising/promotional purposes.

Article 7. Registration of press publications

(1) The founder/owner of the media service provider or the person authorized by the founder/owner submits, within 30 days of its establishment, an application for registration of press publications in the Media Register (hereinafter - the Register), which is kept and updated by the Ministry of Culture.

(2) Together with the application for registration in the Register are submitted:

a) the act of incorporation of the media service provider;

b) the statute (regulation) of the media service provider;

c) the editorial policy and the person(s) (body/bodies) determining and responsible for the editorial policy;

d) where applicable, the registration document of the founder/owner of the media service provider and its status with the Public Service Agency.

(3) The registration of press publication providers in the Register is mandatory, and the registration procedure is carried out according to the Regulation approved by the Ministry of Culture. The procedure for keeping the record of press publications and their deletion from the Register is established by the Regulation approved by the Ministry of Culture.

(4) The following information shall be entered in the Register:

a) name and type of press publication;

b) the contact details of the media service provider, including the legal address, correspondence addresses (if any), electronic mail address and official website address, where the media service provider can be contacted quickly, directly and effectively;

c) data about the founder/founders or owner, indicating the name, surname, personal identification number (IDNP), date of birth, domicile, citizenship, in the case of natural person or the name, registered office, state identification number (IDNO) and document confirming the powers of representation, in the case of legal entity;

d) the address of the media service provider's head office and editorial office;

e) the name and surname of the director (manager) of the media service provider and the contact details where he/she can be contacted quickly, directly and effectively;

f) the full names of the editor-in-chief, the members of the editorial board where applicable and the publisher of the media service provider, as well as the contact details where they can be contacted quickly, directly and effectively;

g) information about the language/languages of the media content of the media service provider;

h) the editorial policy and the person(s) (body/bodies) determining and responsible for the editorial policy;

i) the list of shareholders and associates up to the level of natural persons, except for shareholders and associates who are joint stock companies with bearer shares or listed on international stock exchanges;

j) beneficial owners who directly or indirectly control the media service provider;

k) the sources and means of funding of the media service provider;

l) financial means obtained from the Media Subsidy Fund;

m) where appropriate, date of printing and print run.

n) any change in the information referred to in points (a) to (m) of this paragraph and the date on which the change occurred.

(5) The Ministry of Culture shall process, under the conditions of Law 133/2011 on the protection of personal data, the data referred to in para. (4) in order to ensure transparency regarding the operation, management, ownership structure and financing of media service providers, so that users of media services can identify and understand potential conflicts of interest, prevent and discourage unjustified interference with editorial independence, reduce the risks of influence over media content, and support an open and fair competitive environment, which increases the accountability of media service providers to users and contributes to improving the quality and diversity of media products.

(6) The information in the Register is up to date and publicly available on the official website of the Ministry of Culture, except for information falling under the Law no.133/2011 on the protection of data.

Article 8. Rights of media service providers

(1) Media service providers shall have the right to exercise their professional activity freely, independently and without restrictions, except as expressly provided by law.

(2) The State shall respect the freedom and editorial independence of media service providers.

(3) The State, including the national regulatory authorities and institutions of media service providers may not:

a) interfere or attempt to influence in any way, directly or indirectly, the editorial policies and decisions of media service providers;

b) detain, penalize, intercept, subject to surveillance or search and seizure or search media service providers or, as the case may be, their family members, employees or family members, or their commercial and private premises, on the grounds that they refuse to disclose information on their sources, with the exceptions provided for by the Law on Freedom of Expression.

c) installation of spyware on any device or equipment used by media service providers or, as the case may be, their family members, their employees or their family members, unless the installation is justified for reasons of and is in compliance with this law or the installation is carried out in the context of conducting criminal prosecution of particularly serious or exceptionally serious crimes committed by one of the aforementioned persons, is provided by law, and the measures adopted under (b) are insufficient to obtain the requested information and absolutely necessary for the prosecution.

(4) Any restriction on the exercise of recognized rights and freedoms of media service providers must be provided for by law, necessary in a democratic society in the interests of national security, territorial integrity or public safety, for the maintenance of order and the prevention of crime, for the protection of health and morals, the reputation or rights of others, for preventing the disclosure of confidential information or for safeguarding the authority and impartiality of the judiciary.

(5) Violation of para. (3) lit. (b) and (c) shall give rise to administrative or, where appropriate, criminal liability.

Article 9. Obligations of certain categories of media service providers

(1) Media service providers offering news and current affairs content are required to take appropriate measures to guarantee the independence of editorial decisions. Such measures shall aim in particular at:

(a) guarantee the right of publishers to take editorial decisions freely and independently in accordance with their professional activity; and

(b) ensuring transparency by disclosing any actual or potential conflict of interest of any person having interests or rights in the media service provider, if such conflict could influence the provision of news and current affairs media content.

(2) The online media service provider has the obligation to establish and make available to its users the general conditions of use of the online platform and the rules applicable to comments on published media content, both on the online platform and on its official social media pages.

(3) The general conditions referred to in para. (2) of this Article shall include a description of manifestly illegal content and content infringing rights protected by law.

(4) The comments referred to in para. (2) of this Article are user content published in reaction to the media content of the media service provider and/or disseminated on the official social networking pages of the media service provider.

(5) The online media service provider is obliged to remove without undue delay any comments that are manifestly illegal content, or that violate rights protected by law, including comments on the official pages of the media service provider on social networks. A comment that is manifestly illegal content shall be removed at the latest within 48 hours after it is detected or after another person who considers that the comment is manifestly illegal content or infringes rights protected by law has complained to the provider of the service provider.

(6) The online media service provider shall not publish media content which:

a) are likely to impair the physical, mental or moral development of minors, in particular those containing images of pornographic scenes or unjustified violence.

b) have blatantly illegal content.

(7) Violation of the provisions mentioned in para. (5) shall entail contravention or, as the case may be, criminal liability, with the exceptions provided for by Law no.64/2010 on freedom of expression.

Chapter III

ORGANIZATION OF WORK, REGISTRATION, RIGHTS AND OBLIGATIONS OF JOURNALISTS

Article 10. Organization of journalist's work

Journalists can work either on the basis of an individual contract of employment or other civil contracts with a media service provider or as freelance journalists.

Article 11. Journalists' professional autonomy and editorial independence

(1) Editors, journalists and any person performing journalistic work for media service providers are independent and autonomous in the exercise of their professional activity. They shall carry out their work in accordance with the editorial policy of the media service provider, respecting the editorial decision and ethical rules.

(2) A journalist has the right to refuse to produce a media product or any other media content if it contravenes professional and ethical rules, criteria and standards of journalism. These rules include, but are not limited to, impartiality, fairness, respect for the rights of the persons concerned in the journalistic material and in accordance with the ethical principles of the profession. The journalist's refusal shall be made in a written explanation to the editor-in-chief. In such cases, the journalist cannot be penalized, including:

a) the employment relationship is not interrupted;

b) the salary or remuneration for work are not reduced,

c) he/she is not transferred to a lower function/position that puts him/her at a disadvantage.

(3) A journalist may not be dismissed, have his or her employment contract terminated, have his or her salary or other remuneration reduced, have his or her status within the newsroom altered, or be otherwise disadvantaged because of the expression of opinions and ideas that are in conformity with the media service provider's editorial policy, professional rules and applicable ethical standards.

(4) Any disciplinary action taken against a journalist must be justified and comply with labor law.

(4) No natural or legal person has the right to make any changes to the material produced by the journalist without his/her express consent.

(5) The journalist and any person carrying out a journalistic activity of collecting, receiving and distributing information to the public, as well as the person collaborating with them, who have obtained information from a source, have the right not to disclose the identity of the source or any information that could lead to the identification of the source, under the conditions of Law no.64/2010 on freedom of expression.

(6) Coercing or exerting pressure by threatening or intimidating journalists shall give rise to misdemeanor or, where appropriate, criminal liability.

Article 12. Registration of freelance journalists

(1) The status of a freelance journalist is acquired by registering in the Register of Freelance Journalists (hereinafter - the Register of Journalists), which is maintained and updated by the Ministry of Culture.

(2) The registration of freelance journalists in the Register of Journalists is mandatory and the registration procedure is carried out in accordance with the Regulation approved by the Ministry of Culture. The procedure for keeping records of freelance journalists and their removal from the Register of Journalists is established by the Regulation approved by the Ministry of Culture.

(3) Any natural person can be registered in the Register of Journalists if he/she fulfills the following conditions:

- a) provide evidence of specific journalism activities;
- b) journalism full-time or part-time as their main or principal activity;
- c) does not engage or participate in activities incompatible with journalistic activity as defined by national and international professional and ethical standards.

(4) By way of derogation from the provisions of para. (3) may be registered in the Register of Journalists any person who presents an opinion issued by the Press Council of the Republic of Moldova.

(5) The application for registration as a freelance journalist shall contain the following information:

- a) applicant's full name;
- b) date and place of birth;
- c) domicile or residence;
- d) where the activity takes place;
- e) nationality;
- f) the desired date of entry in the Register of Journalists, which cannot be earlier than the date of submission of the application for registration.

(6) The applicant is obliged to attach to the application referred to in paragraph. (5) the proof of fulfillment of the conditions referred to in para. (3) of this Article or the opinion issued by the Press Council of the Republic of Moldova.

(7) The Register of Journalists shall contain the following information:

- a) name and surname of the freelance journalist;
- b) where the activity takes place;
- c) date of entry of the freelance journalist in the Register.

(8) Self-employed journalists cannot be registered if they have not undertaken to comply with the Code of Ethics of Journalists of the Republic of Moldova, the list of signatories of which is kept and updated by the Press Council of the Republic of Moldova

Article 13. Journalist's rights and obligations

(1) Journalists have the right to:

- a) to request and obtain information of public interest from information providers for the purpose of public dissemination, respecting standards of accuracy and honesty;
- b) to protect the confidentiality of sources of information, except in the situations expressly covered by Law 64/2010 on freedom of expression;
- c) have free and non-discriminatory access to official sources of information, including those held by public authorities and international bodies;
- d) to express themselves freely, without interference or censorship, in accordance with the principles of freedom of expression as laid down in the Freedom of Expression Act;
- e) be protected against any form of intimidation, harassment or violence in the exercise of their profession;
- f) participate in skills development training and join independent professional organizations;
- g) to refuse to produce material that contravenes deontological and ethical principles or legal requirements, without being sanctioned abusively/ to refuse to produce or participate in the production of media content that contravenes deontological and ethical principles, without being sanctioned;
- h) benefit from the protection of the social and economic rights related to their profession, including the right to fair pay or remuneration;
- i) to have access to areas affected by natural, technological and social disasters, in compliance with the rules and standards imposed by the authorities;
- j) to document public protests and demonstrations, with free access to the premises where they take place, free from intimidation or unjustified restrictions;
- k) to be protected while carrying out journalistic activities in conflict or war zones, with the right to logistical and legal support from employers and relevant authorities;
- l) use personal protective equipment in hazardous areas, including clearly marked clothing to identify their status as journalists;
- m) have access to information on protests and armed conflicts, subject to security and confidentiality rules;
- n) be accredited at public events;
- o) to benefit from other rights provided by law, the Code of Ethics of Journalists of the Republic of Moldova in the exercise of their profession.

(2) Journalists may not be denied accreditation for any event organized by public sector entities/authorities or an event organized by other entities involving the participation of media representatives.

(3) Before publishing information about a particular event, phenomenon or person, the journalist is obliged to verify the origin, veracity and completeness of the information with due journalistic care.

(4) Foreign journalists, while exercising their professional activity in the Republic of Moldova, have the same rights and obligations as Moldovan journalists.

(5) Foreign journalists shall be accredited in the Republic of Moldova by the Ministry of Foreign Affairs and European Integration, in accordance with the regulation approved by the Government. Refusal to accredit foreign journalists may be challenged in court.

(8) In order to perform his professional duties, a journalist shall:

- (a) comply with ethical principles, rules of professional ethics and legislation;
- b) to ensure the accuracy, impartiality and balance of the information presented, including verification of sources and avoid distortion of facts;
- c) to respect the confidentiality of sources of information, except as provided for by the Law on Freedom of Expression;
- d) respect fundamental human rights, including the right to privacy, honor, professional reputation and human dignity;

- e) to promote pluralism and diversity of opinions in the public space;
- f) to use only legal, transparent and ethical means to obtain information, avoiding any form of manipulation or undue pressure;
- g) prevent and combat the dissemination of hate speech, racism, xenophobia and other forms of intolerance;
- h) respect security rules and cooperate with the authorities in areas of protest or conflict for the protection of themselves and others;
- i) to consider as serious professional misconduct: plagiarism, libel, defamation, unfounded accusations and acceptance of illicit remuneration in any form for the publication or non-publication of information of public interest/to consider as serious professional misconduct: plagiarism, libel, defamation, unfounded accusations and acceptance of illicit goods in any form for the publication or non-publication of information of public interest;
- j) comply with the rules for the use of artificial intelligence (AI) tools in accordance with the Journalist's Code of Ethics;
- k) to comply with other obligations stipulated by the legislation and the Code of Ethics of Journalists of the Republic of Moldova.

CHAPTER IV FINANCING AND TRANSPARENCY OF MEDIA SERVICE PROVIDERS

Article 14. Financing of media service providers

- (1) The media service provider operates on a self-managed basis.
- (2) Sources of funding for the media service provider can be:
 - a) financial contributions from the founder/owner;
 - b) advertising and sponsorship;
 - c) donations and grants;
 - d) selling media content productions and co-productions;
 - e) provision of specialized services;
 - f) means from the Media Subsidy Fund under the Law no.50/2024 on the Media Subsidy Fund;
 - g) other sources not prohibited by law.

Article 15. Transparency of ownership of media service providers

- (1) Media service providers are obliged to ensure the transparency of ownership structure and sources of funding in accordance with this Law and the Audiovisual Media Services Code in order to protect media pluralism and public interest.
- (2) Media service providers have an obligation to ensure that media service users have easy, direct and permanent access to at least the following categories of information:
 - a) its name, legal status and registered office;
 - b) the name of the legal representatives;
 - c) beneficial owners who directly or indirectly control the media service provider;
 - d) the list of shareholders and associates up to the level of natural persons, except for shareholders and associates who are joint stock companies with bearer shares or listed on international stock exchanges;
 - e) the persons in the management body and, where applicable, the supervisory body, as well as the functions held by them;
 - f) the editorial policy and the person(s) (body/bodies) determining and responsible for the editorial policy;
 - g) name and surname of the editor-in-chief;
 - h) the contact details of the media service provider, including the legal address, correspondence addresses (where applicable), e-mail address and official website address, where the media service provider can be contacted quickly, directly and effectively;
 - i) reported conflicts of interest;
 - j) sources of funding.

Article 16. Concentrations on the market for media services

(1) Concentrations in the market for media services are allowed insofar as they do not have a significant impact on media pluralism or editorial independence.

(2) For providers of press publications The Competition Council shall establish transparent, objective, proportionate and non-discriminatory rules and procedures covering, as a minimum:

a) the obligation for the provider of the press publication to notify in advance the Competition Council of its intention to be a party to a possible concentration;

b) assessment by Competition Council of the impact of a notified concentration on media pluralism and editorial independence;

c) objective criteria for assessing the impact of media market concentrations on media pluralism and editorial independence.

(3) In the assessment referred to in paragraph. (2) of this Article, which is distinct from the assessments under competition law, including the merger control rules, the following elements shall be taken into account:

(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of players in the media market, taking into account the parties' interests, links or activities in other media or non-media activities;

(b) safeguards for editorial independence, including the impact of the merger on the functioning of editorial teams and the existence of measures taken by media service providers to guarantee the independence of individual editorial decisions;

(c) whether, in the absence of the merger, the acquiring and the acquired entity would remain economically viable and whether there are feasible alternatives to ensure its economic viability.

(4) In the process of applying the criteria for assessing the impact of media market concentrations on media pluralism and editorial independence, the Competition Council shall, in advance of any opinion or decision it intends to adopt, consult the relevant authorities, assessing the impact of a notified media market concentration on media pluralism and editorial independence, where such concentrations may affect the functioning of the internal market

(5) The reasoned decisions of of the Competition Council with reference to prior notifications of press publication providers shall be made public.

Chapter V MEDIA POLICY AND SELF-REGULATION

Article 17. Authority responsible for promoting media policies

(1) The Ministry of Culture is the national authority responsible for promoting media policies and implementing this law.

(2) The Ministry of Culture cooperates with the relevant national and international authorities, as well as with the Press Council of the Republic of Moldova, in the exercise of its tasks to implement the law.

(3) The Ministry of Culture shall, in the exercise of the powers established by this Law, examine complaints, petitions and self-reports, request, if necessary, independent expert opinions and adopt appropriate decisions.

Article 18. Press Council

(1) The Press Council is the national self-regulatory authority for media service providers and journalists, which examines complaints and self-reports, issues decisions on violations and recommendations for journalists and media service providers.

(2) The Press Council is an independent non-commercial organization that operates in accordance with the Law no. 86/2020 on non-commercial organizations, the Code of Ethics of Journalists of the Republic of Moldova, its own statutes and regulations, as well as national and international documents that establish principles and norms of ethics and professional conduct for the media, along with international conventions and treaties relevant to journalistic activity.

Article 19. Responsibility

Violation of the provisions of this law shall entail civil, criminal or misdemeanor liability, as the case may be, under the conditions provided for by the Audiovisual Media Services Code, no. 174/2018.

**Chapter VI
FINAL AND TRANSITIONAL PROVISIONS****Article 20.**

(1) This Law shall enter into force 3 months after its publication in the Official Monitor of the Republic of Moldova.

(2) Within 6 months from the date of publication of this Law:

a) The Government shall bring its normative acts into conformity with this Law;
b) The Ministry of Culture shall develop and approve the Regulations provided for by this Law

(3) On the date of entry into force of this Law, the Law on the Press, no.243/1994 is repealed.

President of the Parliament

Republic of Moldova

PARLIAMENT

COD No CSMA174/2018

from 08.11.2018

AUDIOVISUAL MEDIA SERVICES CODE OF THE REPUBLIC OF MOLDOVA

Published : 12.12.2018 in the OFFICIAL GAZETTE No. 462-466 art. 766 Date of entry into force

AMENDED

LP302 of 19.12.24, MO5-7/10.01.25 art.17; in force 10.02.25

NOTE: Throughout this Code, the phrase "Supervisory and Development Board" is replaced by the phrase "Supervisory Board";

In the Code, the words "participant in" and "participating in" are replaced by the words "who ratified" and "who have ratified" respectively by *LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22*

Confirming the Republic of Moldova's adherence to European Union standards on freedom of expression and access to audiovisual media services, pursuant to Articles 66(d) and 72(3)(r), Article 126 (2) (a) and (b) and Article 132 (1) of the Constitution of the Republic of Moldova, The Parliament adopts this Code.

~~This Code transposes Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), published in the Official Journal of the European Union L 95 of 15 April 2010.~~

Chapter I GENERAL PROVISIONS

Article 1. Main concepts

For the purposes of this Code, the following notions mean:

self-promotion - a message, broadcast on the initiative of an audiovisual media service provider or a video-sharing platform provider, aimed at promoting its own services, audiovisual programs or auxiliary products directly derived from them;

~~*self-promotion* - a message, broadcast on the initiative of a media service provider, aimed at promoting its own services, audiovisual programmes or ancillary products derived directly from them;~~

~~*autonomous public authority* - an institution that meets all of the following requirements:~~

~~a) is established by law;~~

~~b) carry out their activity on the territory of the Republic of Moldova in accordance with the legislation in force;~~

~~(c) acting in a public capacity to achieve a public interest;~~

~~d) use public financial resources;~~

~~(e) is competent to issue regulatory acts;~~

~~f) it is not subordinated to the Government and has no other hierarchically superior administrative authority;~~

~~(g) submit to Parliament a report on its activities;~~

retransmission authorisation - a permissive act issued by the Audiovisual Council granting a media service distributor the right to retransmit an audiovisual media service offer;

notice of provision of non-linear audiovisual media service - an act issued by the Audiovisual Council confirming receipt of notification from a media service provider of its intention to make available to the public non-linear audiovisual media services;

distribution of audiovisual media services ~~*audiovisual communication*~~ - making various audiovisual programs available to the public through the electronic communications networks

editorial decision - a decision taken on a regular for the purpose of exercising editorial responsibility and in connection with the day-to-day operation of the audiovisual media service

audiovisual commercial communication - a message expressed by sound and/or images, the purpose of which is the direct or indirect promotion of the name, goods, works, services, business, trade mark and/or any other distinguishing marks of a natural and/or legal person pursuing an economic activity. Such messages either accompany or are included in an audiovisual program or user-generated content in return for payment or other consideration or for self-promotional purposes. Audiovisual commercial communications may take the form of advertising, sponsorship, teleshopping, product placement and other forms ~~an audio message or a message in pictures with or without sound intended to promote, directly or indirectly, the goods, services or image of a natural or legal person. Such messages either accompany or are included in an audiovisual programme in return for payment or similar remuneration or for self-promotional purposes. Audiovisual commercial communications may take the form of advertising, sponsorship, teleshopping, product placement and other forms;~~

clandestine audiovisual commercial communication with disguised commercial content - the representation through sounds and/or images, within audiovisual programs, of the name or title, goods, works, services, business, trade mark and/or any other distinctive sign of the supplier of goods, the performer of works and/or the provider of services, if such representation is intended for advertising purposes and is likely to mislead the public as to its nature. Such representation shall be presumed to be clandestine audiovisual commercial communication if it is done in return for payment or for consideration ~~representation by sound and/or images of the goods, services, name, trade mark or activities of a producer of goods or provider of services in audiovisual programmes, where such representation is intended for advertising purposes and is likely to mislead the public as to its nature. Such representations shall be deemed to be intentional in particular where they are made in return for payment or for similar consideration;~~

control - the possibility of exercising decisive influence over a legal person arising from rights, contracts or any other means, separately or in combination, having regard to the relevant legal and factual circumstances, in particular:

- a) the right of ownership or use of all or part of the assets of a legal person;
- b) rights or contracts which confer a decisive influence on the structure, voting or decisions of the governing bodies of the legal person.

Control is acquired by natural or legal persons who are holders of rights or beneficiaries of rights under contracts or who, although not holders of such rights or beneficiaries of rights under such contracts, have the power to exercise the rights deriving therefrom;

market share - the percentage ratio of the average number of users of an audiovisual media service over a period of time to the average number of users of all relevant audiovisual media services, calculated over the same period of time;

illegal content - any content that does not comply with the legislation of the Republic of Moldova;

disinformation - information that is verifiably false or misleading, that is created, presented and disseminated for economic gain or to deliberately mislead the public and that may cause public harm. Public harm includes threats to democratic political and policy-making processes, as well as threats to public goods such as the protection of citizens' health, the environment or security. Disinformation does not include reporting errors, satire and parody, or partisan news and commentary clearly identified as such ~~the intentional dissemination of false information designed to harm an individual, a social group, an organisation or state security;~~

[Art. 1 notion introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

hate speech - types of expression that incite, promote, spread or justify violence, hatred, or discrimination against a person or a group of persons, or that denigrate them due to their personal characteristics or actual or attributed status, such as race, color, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity and sexual orientation ~~a message that propagates, incites, promotes or justifies racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance or discrimination based on sex, race, nationality, religion, disability or sexual orientation;~~

programmed duration - the period of time which sums the actual duration of the audiovisual program or of the program portion and the duration of the advertising and self-promotional messages, if any, broadcast within them;

media service distributor - a person who constitutes and makes available to the public an offer of audiovisual media services, by means of retransmission, on the basis of contractual relations with media service providers or persons authorised by law;

exclusive rights - rights obtained by a media service provider under contract from the organiser of an event and/or the owner or, where applicable, the manager of the venue, authors and/or other rights holders for exclusive broadcasting by the media service provider in a given geographical area;

scheduled duration - the period of time which sums up the actual duration of the audiovisual programme or programme segment and, where applicable, the duration of the advertising broadcast within it;

event of major importance - an event which is included in the list approved by the Audiovisual Council and which is considered to be of major interest to a significant part of the population, carried out by an event organiser who holds the legal right to market the rights to that event;

media service provider - the natural or legal person who bears editorial responsibility for the choice of the audiovisual content of the audiovisual media service and who determines the organisation of that service;

national media service provider - provider whose linear audiovisual media services are intended for the national population and can be received by at least 2/3 of the population of the Republic of Moldova;

regional media service provider - provider whose linear audiovisual media services are aimed at the population at regional level and can be received by at least 1/3 of the population of the Republic of Moldova;

local media service provider - provider whose linear audiovisual media services are aimed at the population at local level and can be received by less than 1/3 of the population;

video sharing platform service provider - a natural or legal person that offers a video-sharing platform service ~~a natural or legal person offering a video-sharing platform service;~~

multiplex provider - a natural or legal person, registered in the Republic of Moldova and authorised, in accordance with the law, by the central public authority regulating the market for services in the field of electronic communications and information technology, whose activity consists, in whole or in part, in the installation, operation and management of its own electronic communications network over which a multiplex is provided;

broadcasting licence - a permit issued by the Audiovisual Council granting a media service provider under the jurisdiction of the Republic of Moldova the right to broadcast a specific linear audiovisual media service;

user-generated video - a series of moving images with or without sound constituting a distinct element, regardless of its length, which is created by a user and uploaded to a video-sharing platform by that user or by another user ~~a series of moving images, with or without sound, that constitute a single item, regardless of its duration, created by a user and uploaded to a video sharing platform by that user or another user;~~

subliminal message - a message that uses stimuli that are too weak to be consciously perceived, but which can influence people's behaviour;

multiplex - a system for structuring a set of audiovisual media services and ancillary services, integrated into a digital stream and broadcast over a digital terrestrial television or radio channel;

multiplex with national coverage - multiplex whose signal can be received by at least 2/3 of the population of the Republic of Moldova;

multiplex with regional coverage - multiplex whose signal can be received by at least 2/3 of the population of the geographical region for which the radio spectrum resources are intended, established by the Government on the basis of international treaties to which the Republic of Moldova is a party;

peak viewing hours - the times between 06.00-09.00 and 17.00-23.00 - for television services and between 06.00-10.00, 12.00-15.00 and 17.00-20.00 - for radio services;

audience measurement - the activity of collecting, interpreting or otherwise processing data on the number and characteristics of users of audiovisual media services or users of content on online platforms for the purpose of making decisions about the allocation, pricing, buying or selling of advertising or content planning or distribution activities;

Trusted Notifier - status granted by the Audiovisual Council upon request to any natural or legal person who is established in the Republic of Moldova and who proves that he/she has specialized knowledge and specific skills in detecting, identifying and notifying illegal content, is independent from any video-sharing platform provider and conducts his/her activities in such a manner that he/she provides notifications to video-sharing platforms with diligence, accuracy and objectivity

product placement - audiovisual commercial communication of any kind consisting of the inclusion or reference to a good, work, service or the trademark of a natural and/or legal person carrying out an economic activity, by inserting/embedding it into a program or a video generated by user, in exchange for a payment or other consideration ~~a form of audiovisual commercial communication consisting of the inclusion of or reference to a product, service or their trade marks in an audiovisual programme in return for payment or similar consideration;~~

audiovisual pluralism - a context in the audiovisual field which cumulatively meets the following characteristics:

- a) diversity of media and audiovisual media service providers;
- b) diversity of audiovisual programmes within the same audiovisual media service;
- c) the presence of the views of the general public in audiovisual media services, especially linear media;
- d) the presence of free, autonomous, economically and editorially independent media service providers;

(e) access for the general public to the range of views present in audiovisual media services;

independent producer - a natural or legal person, established or registered in the Republic of Moldova, independent from the media service provider, which meets the following cumulative characteristics:

- (a) has legal personality distinct from that of a media service provider;
- (b) does not hold, directly or indirectly, more than 15% of the capital of a media service provider;
- c) does not receive more than 2/3 of its revenues (annual turnover) over a period of 3 years from sales of products to the same media service provider;
- (d) its capital is not owned to an extent exceeding 15% by a natural or legal person which itself owns, directly or indirectly, more than 15% of the capital of a media service provider;

beneficial owner - an individual who, by law and/or contract, is in one of the following situations:

- (a) receives or may receive any income from the activity of a media service provider or media service distributor and is not obliged to pass on that income to a third person;
- (b) has, directly or indirectly through affiliated persons, control of the media service provider or media service distributor;
- c) is a member of the management body of a non-commercial legal person or of a legal person in which no natural person has a shareholding equal to or greater than a substantial shareholding, and also has the power to remove, alone or together with other members, the majority of the members of the board, the executive body or the majority of the members of the executive body and/or the censor or the majority of the members of the censor board of the media service provider or media service distributor;

audiovisual programme - a series of moving images with or without sound in the case of a television service or a series of sounds in the case of a sound broadcasting service, which constitutes a distinct element, regardless of its length, within a grid in the case of a linear audiovisual media service or a catalogue in the case of a non-linear audiovisual media service ~~a set of moving images, with or without sound in the case of a television programme, or a set of sounds in the case of a sound programme, irrespective of its duration, which constitute a whole identifiable by title, content or form within a schedule or catalogue produced by a media service provider (sports events, documentaries, entertainment and reality programmes, children's programmes, plays and others);~~

first broadcast audiovisual programme - audiovisual programme broadcast for the first time as part of a linear audiovisual media service;

protection of the national audiovisual area - set of measures aimed at eliminating internal or external factors, whether intentional or unintentional, which harm or may harm the institutional, functional, structural, content, technological or other integrity of the reference area, as well as

creating a social environment conducive to the functioning of the national audiovisual area under conditions of legal, political, economic, cultural or other security;

advertising - a message in any form broadcast for self-promotional purposes or broadcast in return for payment or similar consideration by a legal or natural person in connection with a trade, business, craft or profession for the purpose of promoting the supply of goods and services, including real estate, or a cause, an idea, or rights and obligations;

interactive advertising - television advertising, the delivery technique of which allows the user to opt-in to access advertising via a non-linear audiovisual media service at the time, duration and advertising content of their choice;

split-screen advertising - television advertising, including self-promotion or promotion of sponsor identifiers, the technique of broadcasting which consists of the spatial division of the screen for the simultaneous television broadcast of editorial content and advertising content or sponsor message;

virtual advertising - television advertising, the technique of broadcasting which consists of processing the image, in the case of the transmission of events, by replacing the image of billboards displayed in the premises where the events are taking place with advertising messages inserted by the media service provider or by superimposing new images with such messages in any area of the transmitted image;

editorial responsibility - exercising effective control over the selection of audiovisual programmes and their organisation either in a chronological schedule in the case of television or radio broadcasting services or in a catalogue in the case of non-linear audiovisual media services;

retransmission - the simultaneous or quasi-simultaneous reception and supply, by any technical means, of audiovisual media services or parts thereof (abridged versions), in their entirety and without any change in their content, intended for reception by the public;

consumer programs - programs that provide advice to the public or contain evaluations on the purchase of products and services;

electronic communications network - transmission systems, whether or not based on a permanent infrastructure or on a centralized management capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, permitting the transmission of signals by wire, by radio waves, by optical or by other electromagnetic means, including satellite communications networks, fixed (circuit- and packet-switched, including Internet) and mobile networks, electrical networks, to the extent that they are used for the transmission of signals carrying audiovisual media services and video-sharing platform services, regardless of the type of information transmitted ~~transmission system and, where applicable, switching or routing equipment and other resources, including network elements which are not active but which permit the transmission of signals by wire, by radio, by optical or by other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, systems which use the electricity grid, as long as they are used for the transmission of signals, networks used for broadcasting audiovisual programmes and cable television networks, irrespective of the type of information transmitted;~~

information security - the state of protection of information resources, the person, society and the state, including the presence of a set of measures to ensure the protection of the person, society and the state from possible attempts of disinformation and/or manipulative information from inside and/or outside the country and to prevent media aggression against the Republic of Moldova;

[Art. 1 notion modified by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

audiovisual media service - a service under the editorial responsibility of a media service provider, the main purpose of which, or a dissociable section thereof consists of providing the general public with audiovisual, television or radio broadcasting programs, linear or non-linear, through electronic communications networks, for informational, entertainment or educational purposes or for the purpose of carrying out audiovisual commercial communication ~~a service, under the editorial responsibility of a media service provider, the principal purpose of which, or a severable part of which, is the provision of audiovisual programmes for information, education or entertainment purposes to the general public via electronic communications networks;~~

linear audiovisual media service - audiovisual media service made available to the public by a media service provider for simultaneous viewing/listening of audiovisual programmes on the basis of a programme schedule drawn up by the media service provider;

non-linear audiovisual media service - an audiovisual media service provided by a media service provider for watching/listening to audiovisual programmes at the individual request and time of the user's choice, based on a programme catalogue established by the media service provider;

generalist audiovisual media service - audiovisual media service providing audiovisual programmes with a predominantly informational, educational and entertainment content in areas of public interest, which are addressed to the general public;

audiovisual news media service - audiovisual media service providing audiovisual programmes with a predominantly informative and informative-analytical content, focusing on domestic and foreign news and addressed to the general public;

thematic audiovisual media service - audiovisual media service providing audiovisual programmes dedicated predominantly to one area and aimed at a specific segment of the public;

free-to-air audiovisual media services - audiovisual media services the retransmission of which is not financially or technically conditional on the media service providers or their legal representatives;

must carry" audiovisual media services - audiovisual media services free for retransmission, whose retransmission is mandatory for media service distributors on the basis of the list of audiovisual media services established annually by the Audiovisual Council;

video sharing platform service - a service, the main purpose of which, or a dissociable section there of or an essential functionality thereof, consists in providing to the general public audiovisual programmes, user-generated video material, or both, via electronic communications networks, for information, entertainment or educational purposes, for which the video-sharing platform provider has no editorial responsibility and the organization of which is determined by the video-sharing platform provider, including by automated means or algorithms, in particular by display, tagging and sequencing

~~*teletext service* - the provision of information encoded as text, which can be accessed using a standard set-top box of the TV receiver at the time of access, for the duration and for the content chosen;~~

~~*videotext service* - the provision of messages in the form of text or graphics, in a schedule or catalogue, by a media service provider, in the form and content of television services or comparable in form and content to them;~~

conditional access system - a technical means or device by means of which access to a protected audiovisual media service or to a protected video-sharing platform service can be made on a restricted basis, on the basis of a subscription or other form of prior individual authorisation;

slot - a part of the digital stream within the multiplex, sufficient for the transmission/retransmission of an audiovisual media service;

national audiovisual area - an information-media area consisting structurally and compositionally of local, community, regional, national or international, public or private, generalist or thematic, informational, educational and entertainment audiovisual media services made available to the public via electronic communications networks;

sponsorship - any contribution to the financing of audiovisual media services, video-sharing platform services, user-generated video material or audiovisual programs by public or private undertakings or natural persons not engaged in the provision of audiovisual media services or video-sharing platform services or in the production of audiovisual works, in order to promote their own name, brand, image, business or products ~~a contribution by a public or private undertaking to the financing of audiovisual programmes to promote its name, trademark, image, activities or products;~~

virtual sponsorship - a technique of broadcasting sponsor identifiers which consists of processing the image, in the case of broadcasting of events, by replacing the image of billboards displayed in the premises where the events take place with sponsor messages inserted by the media service provider or by superimposing new images with such messages in any area of the broadcast image;

isolated spot - an advertising or teleshopping spot which is neither preceded nor succeeded by another advertising or teleshopping spot;

teleshopping - a message sent directly to the general public for the purpose of providing goods or services, including real estate, rights and obligations, in exchange for payment;

Standard-definition television (SDTV) - a digital format for broadcasting television signals and images, using a resolution of 720x576 dots, which is not considered to be high-resolution television;

High-definition television (HDTV) - a digital television broadcasting format that provides a high-detail, high quality image reproduction with a resolution of 1920x1080 or 1280x720;

transmission - the primary provision, via electronic communications networks, of linear audiovisual media services intended for reception by the public;

user - a natural or legal person who uses or requests, once or more than once, one or more audiovisual media services or video-sharing platform services, in particular by uploading videos created there by him or by another person ~~a person who uses at least one audiovisual media service;~~

Article 2. Purpose, object and scope

(1) This Code aims to:

- a) to ensure that all persons have the right to receive accurate and objective information and to contribute to the free formation of opinions;
- b) guarantee the right to editorial independence and freedom of expression;
- c) ensure the independence of the regulatory authority for audiovisual media services;
- d) to ensure the independence of the supervisory bodies of public media service providers;
- (e) ensure, maintain and develop audiovisual pluralism;
- f) ensure the protection and development of the national audiovisual space.

(2) This Code aims to regulate:

a) the provision and distribution of linear and non-linear audiovisual media services, television and radio broadcasting, both linear and non-linear, under the jurisdiction of the Republic of Moldova, as well as video-sharing platform services by media service providers, media service distributors and video-sharing platform providers under the jurisdiction of the Republic of Moldova;

b) establishment, management, financing and competences of the independent national regulatory authority for audiovisual media services;

c) establishment, management, financing and competences of audiovisual media service providers

~~regulates the provision and distribution of audiovisual media services by media service providers and media service distributors under the jurisdiction of the Republic of Moldova.~~

(3) This Code shall not apply:

(a) web services which do not compete with audiovisual media services; audiovisual content on the web page is only occasional and does not constitute its main purpose;

b) web services providing audiovisual content which is not mass media for the purpose of informing, educating and entertaining the general public;

(c) websites providing audiovisual content generated by private users for the purpose of sharing and exchange within a community of interest;

d) online gambling, including lotteries, betting and other forms of gambling services, with the exception of games and competitions broadcast, under the law, as part of an audiovisual media service;

e) newspapers and magazines in electronic format, with the exception of video content which may qualify as audiovisual media services, audiovisual programs or non-linear audiovisual media services (on-demand) ~~newspapers and magazines in electronic format;~~

f) Internet search engines;

g) private correspondence in any form.

(4) Subjects of this Code are:

a) media service providers under the jurisdiction of the Republic of Moldova;

b) distributors of media services under the jurisdiction of the Republic of Moldova;

- (c) the regulatory authority for audiovisual media services;
- d) bodies supervising the activity of public media service providers;
- e) video sharing platform service providers under the jurisdiction of the Republic of Moldova.
- (5) For the purposes of this Code, a media service provider shall be deemed to be within the jurisdiction of the Republic of Moldova if it meets at least one of the following conditions:
- a) has its head office in the Republic of Moldova and editorial decisions concerning the audiovisual media service are taken in the Republic of Moldova;
- b) has its main headquarter in the Republic of Moldova, but editorial decisions concerning the audiovisual media service are taken in another state, provided that a significant part of the workforce involved in the provision of audiovisual media services is employed in the territory of the Republic of Moldova ~~has its head office in the Republic of Moldova and the majority of the workforce involved in the provision of audiovisual media services is employed in the Republic of Moldova;~~
- c) has its main office in another state, but editorial decisions concerning audiovisual media services are taken in the Republic of Moldova, provided that a majority of the workforce involved in the provision of audiovisual media services is employed in the Republic of Moldova. At the same time, the proportion of the workforce involved in the provision of audiovisual media services working in a state which is a party to the European Convention on Transfrontier Television or a member of the European Union, if the main office is located there, is not significant ~~editorial decisions on audiovisual media services are made in the Republic of Moldova and a majority of the workforce involved in the provision of audiovisual media services is based in the Republic of Moldova.~~
- (d) if, by applying the criteria set out in the letters (b) and (c), it is not possible to determine whether a majority of the workforce involved in the broadcasting activity operates in the Republic of Moldova or in a Member State of the European Union, the provider shall be considered to be established in the Republic of Moldova if it first started broadcasting in the Republic of Moldova and currently maintains a stable and effective link with the economy of the Republic of Moldova.
- (6) A media service provider which does not meet any of the conditions set out in para. (5) and which is not under the jurisdiction of a Member State of the European Union or of another State which has ratified the European Convention on Transfrontier Television shall be considered to be under the jurisdiction of the Republic of Moldova if it is in one of the following situations ~~A media service provider which does not meet any of the conditions set out in paragraph (5) and is not established in another State which has ratified the European Convention on Transfrontier Television shall be deemed to be under the jurisdiction of the Republic of Moldova if it is in one of the following situations:~~
- a) ~~uses a frequency granted by the competent public authority of the Republic of Moldova;~~
- b) ~~uses a slot granted by the competent public authority of the Republic of Moldova;~~
- c) uses a satellite capacity belonging to the Republic of Moldova;
- d) uses a satellite uplink located on the territory of the Republic of Moldova;
- e) ~~uses an Internet connection located on the territory of the Republic of Moldova.~~
- (7) If, in determining the applicable jurisdiction, the criteria set out in paragraphs (5) and (6) are not relevant, the media service provider shall be deemed to be outside the jurisdiction of the Republic of Moldova. ~~Media service providers are obliged to inform the Audiovisual Council of any changes that may affect the determination of jurisdiction in accordance with the provisions of paras. (5) and (6) of this Article within 15 days of the occurrence of the change. The Audiovisual Council shall draw up and maintain an updated list of media service providers under the jurisdiction of the Republic of Moldova and indicate on the basis of which criteria set out in paragraphs (5) and (6) of this Article their jurisdiction is based.~~
- (7¹) For the purposes of this Code, a video-sharing platform provider established on the territory of the Republic of Moldova is under the jurisdiction of the Republic of Moldova.
- (7²) A platform provider which is not established in the territory of the Republic of Moldova and not established in the territory of a Member State of the European Union shall be considered to be under the jurisdiction of the Republic of Moldova, if the video-sharing platform provider:
- a) has a parent company established on the territory of the Republic of Moldova;
- b) has a branch established on the territory of the Republic of Moldova;

c) is part of a group and another enterprise of that group is established on the territory of the Republic of Moldova.

(7³) For the purposes of this Article:

- (a) 'parent undertaking' means an undertaking which controls one or more subsidiaries;
- (b) 'subsidiary' means an undertaking controlled by a parent undertaking, including any subsidiary of the parent undertaking of the highest-ranking subsidiary;
- c) "group" means a parent undertaking, all its subsidiaries and all other undertakings which have economic and legal organizational links with them.

(7⁴) For the purposes of the application of paragraph (2), where the parent undertaking, subsidiary or other undertakings in the group are each established in different Member States of the European Union and in the Republic of Moldova, the video-sharing platform provider shall be considered to be under the jurisdiction of the Republic of Moldova if:

- a) the parent company of the video-sharing platform provider is established in the Republic of Moldova;
- b) the subsidiary of the video-sharing platform provider is established in the Republic of Moldova and the parent company and other subsidiaries are not established in a Member State of the European Union;
- c) the parent company is not established in a Member State of the European Union and among the subsidiaries of the video-sharing platform provider that are established in different Member States of the European Union, the first subsidiary that has started its activity is established in the Republic of Moldova, provided that it maintains a stable and effective link with the economy of the Republic of Moldova;
- d) the parent undertaking and its subsidiaries are not established in a Member State of the European Union and among other undertakings of the group of the video-sharing platform provider which are established in different Member States of the European Union, the first undertaking of the group which has started its activity is established in the Republic of Moldova, provided that it maintains a stable and effective link with the economy of the Republic of Moldova.

(8) For the purposes of this Code, a media service distributor shall be deemed to be within the jurisdiction of the Republic of Moldova if it meets at least one of the following conditions:

- a) has its head office in the Republic of Moldova and decisions on the creation of retransmitted audiovisual media service offers are taken in the Republic of Moldova;
- b) has its main office in the Republic of Moldova, but the decisions on the creation of the retransmitted audiovisual media service offerings are taken in another state, provided that a significant part of the workforce involved in the creation and making available to the public of the retransmitted audiovisual media service offerings is employed in the territory of the Republic of Moldova ~~has its principal place of business in the Republic of Moldova and the majority of the workforce involved in the creation and making available to the public of the retransmitted audiovisual media service offerings works in the Republic of Moldova;~~
- c) has its main office in another state, but the decisions concerning the creation of the retransmitted audiovisual media service offerings are taken in the Republic of Moldova, provided that a majority of the workforce involved in making available to the public the retransmitted audiovisual media service offerings is working in the Republic of Moldova. At the same time, the proportion of the workforce involved in making available to the public retransmitted audiovisual media service offerings working in a state which is a party to the European Convention on Transfrontier Television or a member of the European Union, if the principal place of business of the subject is located there, shall not be significant ~~decisions on the creation of retransmitted audiovisual media service offerings are made in the Republic of Moldova and the majority of the workforce involved in making available to the public the retransmitted audiovisual media service offerings is employed in the Republic of Moldova.~~

(9) The distributor of media services which does not meet any of the conditions set out in para. (8) and which is not under the jurisdiction of a Member State of the European Union or of another State which has ratified the European Convention on Transfrontier Television shall be considered to be under the jurisdiction of the Republic of Moldova if it is in one of the following situations: ~~A media service distributor who does not meet any of the conditions set out in paragraph (8) and is not established in another State which has ratified the European Convention on Transfrontier~~

~~Television shall be deemed to be under the jurisdiction of the Republic of Moldova if it is in one of the following situations:~~

~~a) uses a slot granted by the competent public authority of the Republic of Moldova;~~

b) uses a satellite capacity belonging to the Republic of Moldova;

c) uses a satellite uplink located on the territory of the Republic of Moldova;

~~d) uses an Internet connection located on the territory of the Republic of Moldova.~~

(10) If, in determining the applicable jurisdiction, the criteria set out in paragraphs (8) and (9) are not relevant, the media service distributor shall be deemed to be outside the jurisdiction of the Republic of Moldova.

(11) Media service distributors are obliged to inform the Audiovisual Council of any changes that may affect the determination of jurisdiction in accordance with the provisions of paras. (8) and (9) of this Article within 15 days of the occurrence of the change. The Audiovisual Council shall draw up and maintain an updated list of media service distributors under the jurisdiction of the Republic of Moldova and indicate on the basis of which criteria set out in paragraphs. (8) and (9) of this Article their jurisdiction is based.

Article 3. Legislation on audiovisual media services

(1) The legislation on audiovisual media services is based on the Constitution of the Republic of Moldova, this Code and other normative acts, as well as international treaties to which the Republic of Moldova is a party.

(2) If international treaties to which the Republic of Moldova is a party lay down rules other than those provided for in this Code, the provisions of those treaties shall apply.

(3) The Audiovisual Council, as the regulatory authority, shall adopt normative acts provided for in this Code and in international treaties in the field of audiovisual media services to which the Republic of Moldova is a party.

Article 4. Local audiovisual programmes

(1) For the purposes of this Code, local audiovisual programmes are:

a) audiovisual programmes made exclusively with the own human, technical and financial resources of the media service provider under the jurisdiction of the Republic of Moldova, provided that the production of such programmes is effectively supervised and editorially controlled by the media service provider concerned;

b) audiovisual programmes co-produced with the contribution of the media service provider under the jurisdiction of the Republic of Moldova, which in relation to the total production costs is the majority;

c) audiovisual programmes made by independent producers from the Republic of Moldova.

(2) Co-produced audiovisual programmes, other than those referred to in paragraph (1)(b), shall be considered as local audiovisual programmes in the proportion corresponding to the share of the contribution of the media service provider under the jurisdiction of the Republic of Moldova in the total production costs.

(3) Media service providers shall be obliged to broadcast local audiovisual programmes with the following average daily transmission times as part of their television services:

(a) at least 10 hours per audiovisual media service - for national public service media service providers;

b) at least 8 hours per audiovisual media service - for regional public media service providers;

c) at least 8 hours per audiovisual media service - for national private media service providers;

d) at least 4 hours per audiovisual media service - for regional private media service providers;

(e) at least 2 hours per audiovisual media service - for local private media service providers.

(4) Media service providers shall be obliged to transmit at least 50% of their own production quotas referred to in paragraph (3) in first transmission.

(5) The provisions of paragraph (4) shall not apply to television services whose main focus is the broadcasting of audiovisual programmes promoting national and European cultural heritage from their own archives.

(6) Media service providers shall be obliged to transmit local audiovisual programmes with the following average daily transmission times within the sound broadcasting services:

- (a) at least 12 hours per audiovisual media service - for national public media service providers;
 - b) at least 10 hours per audiovisual media service - for regional public media service providers;
 - c) at least 10 hours per audiovisual media service - for national private media service providers;
 - d) at least 8 hours per audiovisual media service - for regional private media service providers;
 - (e) at least 6 hours per audiovisual media service - for local private media service providers.
- (7) The media service providers referred to in paragraphs (3) and (6) are obliged to broadcast at least 80% of local audiovisual programmes in Romanian.
- (8) Media service providers whose audiovisual media services are aimed at communities in administrative-territorial units in which an ethnic minority represents a majority share are obliged to broadcast at least 25% of local audiovisual programmes in Romanian, as well as own-produced audiovisual programmes in the language of that minority.
- (9) The local audiovisual programmes referred to in paragraphs (3), (6) and (7) shall be broadcast between 06.00 and 24.00. At least 75% of the content of those programmes shall be broadcast during peak viewing hours.
- (10) **The average daily durations of the audiovisual programs referred to in paragraphs (3) and (6) shall be calculated for a calendar week taking into account the scheduled durations of the local audiovisual programs broadcast. ~~The average daily duration of the audiovisual programmes referred to in paragraphs (3) and (6) shall be calculated within a calendar week.~~**
- (11) Media service providers shall submit information on compliance with paragraphs (3), (6) and (7) in their annual report to the Audiovisual Council.
- (12) The provisions of this Article shall not apply to community audiovisual media services and those devoted exclusively to advertising and teleshopping.
- (13) The Audiovisual Council shall, at least once a year, draw up and publish on its official website a list of national, regional and local media service providers.

Article 5. Audiovisual programmes purchased

- (1) Media service providers have the right, under the conditions of the law, to acquire audiovisual programmes from the country and from abroad in order to complete and ensure the variety of their audiovisual media services.
- (2) In the case of television services, at least 50% of the audiovisual programmes purchased from abroad must originate in the Member States of the European Union as well as in the States which have ratified the European Convention on Transfrontier Television.
- [Art.5 para. (2) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]*

Article 6. European audiovisual works

- (1) For the purposes of this Code, European audiovisual works are:
- (a) works originating from Member States of the European Union;
 - b) works originating from the Republic of Moldova and from third countries which have ratified the European Convention on Transfrontier Television;
 - (c) works co-produced within the framework of audiovisual sector agreements concluded between the European Union and third countries which fulfil the conditions laid down in each of those agreements;
 - (d) works made on the basis of bilateral co-production agreements concluded between Member States of the European Union and third countries, provided that the European Union co-producers have a majority share in the total production costs and that the production is not controlled by any producer established outside the territory of the Member States of the European Union.
- (2) The works referred to in paragraphs (1)(a) and (b) shall be works made mainly with the contribution of authors and workers residing in one or more of the States concerned who satisfy at least one of the following requirements:
- (a) the works are made by one or more producers established in one or more of the States concerned;
 - (b) the production of the works is supervised and effectively controlled by one or more producers established in one or more of the States concerned;

(c) the contribution of co-producers from the States concerned to the total costs of the co-production is in the majority and the co-production is not controlled by any producer established outside those States.

(3) The provisions of paragraphs (1)(b) and (c) shall apply only to works originating from Member States of the European Union which are not subject to discriminatory measures in the third countries concerned.

(4) In the case of linear audiovisual media services, media service providers are required to reserve at least 50% of the transmission time of each service for European audiovisual works, minus the time allocated to news, sports events, games, advertising, teletext services and teleshopping.

[Art.6 para.(4) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

(5) In the case of non-linear audiovisual media services, media service providers are obliged to reserve at least 30% of their programme catalogue for European audiovisual works and to highlight them.

[Art.6 para.(5) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

(6) In the case of linear audiovisual media services, media service providers are obliged to reserve at least 10% of the broadcasting time of each service, less the time allocated to news, sports events, games, advertising and teleshopping, or at least 10% of the annual program budget for the acquisition of European works created by independent producers from the Republic of Moldova, for European works created by independent producers from the Republic of Moldova. ~~In the case of linear audiovisual media services, media service providers are obliged to reserve for European audiovisual works created by independent producers from the Republic of Moldova at least 10% of the broadcasting time of each service, minus the time allocated to news, sports events, games, advertising, teletext services and teleshopping.~~

[Art.6 para.(6) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.24]

(7) Media service providers shall submit to the Audiovisual Council, in their annual reports, information on compliance with the provisions of paragraph 1. (4)-(6).

[Art.6 para.(7) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

(8) The provisions of this Article do not apply to radio broadcasting services, private local and regional television services, audiovisual news media services, audiovisual sports media services, as well as audiovisual media services dedicated exclusively to advertising and teleshopping. ~~The provisions of this Article shall not apply to radio broadcasting services, local and community television services, audiovisual news media services, audiovisual sports programmes and audiovisual media services exclusively devoted to advertising and teleshopping.~~

[Art.6 para.(8) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

Chapter II PRINCIPLES OF AUDIOVISUAL COMMUNICATION

Article 7. Freedom of expression

(1) The State shall guarantee freedom of expression in audiovisual media services and video-sharing platform services.

(2) Media service providers, media service distributors and video-sharing platform providers are obliged to respect the right of individuals to freedom of expression and the right to receive information.

(3) Media service providers, media service distributors and video sharing platform providers shall make available to the public audiovisual programs and user-generated video materials in accordance with the provisions of this Code and Law no.64/2010 on freedom of expression.

~~(1) The State shall guarantee freedom of expression to media service providers and media service distributors.~~

~~(2) Media service providers and media service distributors are obliged to observe the right of individuals to freedom of expression and the right to receive information.~~

~~(3) Media service providers and media service distributors shall make audiovisual media services available to the public in accordance with the provisions of this Code and the Law No 64/2010 on freedom of expression.~~

- (4) The Audiovisual Council shall act, ex officio and on referral, to ensure freedom of expression.
- (5) Control of the content of audiovisual media services before their broadcasting is prohibited.

Article 8. Editorial independence and creative freedom

- (1) Media service providers have the right to decide independently and freely on the content of audiovisual media services, in accordance with audiovisual media services legislation and the conditions of the broadcasting licence.
- (2) Censorship of any kind on audiovisual media services is prohibited.
- (3) Interference of any kind with the content, form or manner of creation and presentation of audiovisual programmes and other elements of audiovisual media services by any person or public authority shall be prohibited. The State respects the effective editorial freedom and independence of audiovisual media service providers in the exercise of their professional activities. The State, including the national regulatory authority, shall not interfere and shall not seek to influence the editorial policies and decisions of audiovisual media service providers.
- (4) Regulations of the Audiovisual Council on the application of the provisions of this Code, adopted in accordance with the legislation in force, shall not constitute interference.

Article 9. Protection of journalistic sources and confidential communications ~~Protection of confidentiality of information sources~~

- (1) The State will ensure that journalistic sources and confidential communications are effectively protected. The State shall not take any of the following measures:
 - (a) to oblige audiovisual media service providers or their editorial staff to disclose information which relates to or could identify confidential journalistic sources or confidential communications, or oblige any person who, by reason of his or her usual or professional relationship with a media service provider or its editorial staff, might possess such information, to disclose it;
 - (b) to detain, punish, intercept or search audiovisual media service providers or their editorial staff, or subject them or their business or private premises to surveillance or search and seizure, in order to obtain information relating to or likely to identify confidential journalistic sources or confidential communications, or to detain, sanction, intercept or search any person who, by reason of his or her usual or professional relationship with a media service provider or its editorial staff, might possess such information or subject them or their business or private premises to surveillance or search and seizure for the purpose of obtaining such information;
 - c) to install intrusive surveillance software on any material, digital device, machine or instrument used by media service providers, their editorial staff or any person who, because of their usual or professional relationship with a media service provider or its editorial staff, might possess information relating to or capable of identifying confidential journalistic sources or communications.
- ~~(1) The confidentiality of information sources used in the conception or production of audiovisual programmes is guaranteed by law.~~
- (2) Journalists shall be free not to disclose data that could identify sources of information directly related to their professional activity, in accordance with the Law no.64/2010 on freedom of expression.

Article 10. Protection of journalists

- (1) The authorities responsible for maintaining public order shall ensure:
 - (a) the protection of journalists and their workplaces if they are subjected to pressure or threats likely to prevent or restrict the free exercise of their profession;
 - b) the protection of the premises and locations of media service providers, if they are subject to threats likely to prevent or affect the free exercise of their activity.
- (2) The protection referred to in paragraph (1) may not become a pretext for prejudicing the free expression of journalists, preventing or restricting the free exercise of the profession or preventing journalists from asserting their fundamental rights and freedoms.
- (3) The coercion or exertion of pressure by threat or intimidation of journalists shall give rise to criminal and, where appropriate, misdemeanour liability.

(4) In case of self-reporting or in case of complaints by journalists or media service providers, the Audiovisual Council shall examine in public meetings cases of threats, pressure and intimidation, likely to prevent or effectively restrict the free exercise of the profession of journalists or the activity of media service providers and, where appropriate, refer them to the competent authorities.

Article 11. Illegal and harmful audiovisual content ~~Respect for fundamental rights and freedoms~~

(1) Media service providers, media service distributors and video-sharing platform providers shall respect fundamental rights and fundamental freedoms in audiovisual media services and video-sharing platform services.

(2) In audiovisual media services and video-sharing platform services, content that:

a) jeopardize national security, incite violent overthrow of the constitutional order of the State, incite military aggression or armed conflict, or content the dissemination of which constitutes an illegal activity, including public provocation to commit a terrorist crime, crimes related to child pornography and crimes of a racist and xenophobic nature;

(b) incites hatred or violence or disseminates messages that can be qualified as discrimination, intolerance, hatred or violence based on race, colour, national or ethnic origin, sex, gender, sexual orientation, gender identity, membership of a marginalized group, language, nationality, social order, education, religion or religious beliefs, political or other beliefs, disability, age, marital or family status, property, health, personal characteristics, social status or any other criteria.

~~(1) Media service providers and media service distributors shall respect fundamental rights and freedoms in audiovisual media services.~~

~~(2) Audiovisual programmes are prohibited:~~

~~(a) likely to propagate, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance or discrimination based on sex, race, nationality, religion, disability or sexual orientation;~~

~~b) disseminating child pornography;~~

~~(c) the broadcasting of which is prohibited by the Regulation on audiovisual content, drawn up and approved by the Audiovisual Council after consultation with media service providers and media service distributors.~~

(2¹) For the purposes of this Code, harmful content is content which may impair the physical, mental or moral development of minors. Harmful content shall be made available only in such a way as to ensure that minors will not normally hear or see it. Such safeguards shall include the selection of the time of broadcast, age verification tools or other technical measures.

~~(3) Media service providers are obliged to comply with the legislation on the protection of honour, dignity and professional reputation, as well as the right to respect and protection of intimate, family and private life.~~

Article 12. Access to audiovisual media services

(1) All persons have the right of access to audiovisual media services.

(2) In order to ensure the right referred to in paragraph (1), the Audiovisual Council shall establish regulations to ensure the right of access to linear audiovisual media services:

a) reflecting the ideological, political, social, linguistic, religious and cultural diversity of society;

(b) provided for informational, educational and entertainment purposes;

c) general, news and thematic content;

d) local, regional, national and international;

(e) not requiring prior individual authorisation.

(3) Digital terrestrial television multiplex with national coverage of more than 98% of the population of the Republic of Moldova is intended for broadcasting audiovisual media services with unrestricted access.

Article 13. Ensuring information for public ~~Ensuring accurate information~~

(1) By virtue of the fundamental right to information, media service providers must observe the following requirements:

a) ensure a clear distinction between facts and opinions;

b) ensure, in reporting a fact or event, that the information is verified and presented impartially and in good faith ~~to report a correct fact or event and to verify and present the information impartially and in good faith.~~

c) respect the principles of fairness, balance and impartiality;

d) avoid any form of discrimination.

(1¹) The content of audiovisual media services and content provided by video-sharing platform services must comply with the rules of audiovisual and related legislation and the requirements laid down in the Regulation on audiovisual content.

~~(2) If the information submitted proves to be materially incorrect, the media service provider must provide the necessary corrections as soon as possible and under similar broadcasting conditions.~~

~~(3) If the information comes from confidential sources or sources whose credibility is not sufficiently verified, this must be explicitly stated.~~

~~(4) In audiovisual news programmes, for which accuracy and fairness are essential, reports must come from reliable sources, sufficiently documented from a factual point of view, with a credible and impartial approach to events, with a balanced reflection of different opinions.~~

~~(5) The following rules shall be observed in audiovisual news and talk programmes:~~

~~a) rigour and accuracy in the writing and presentation of news;~~

~~b) there is a real connection between the subject matter and the images accompanying the commentary;~~

~~c) the headings and texts displayed on the screen reflect as faithfully as possible the essence of the facts and data presented;~~

~~(d) if reconstructions are broadcast, this must be clearly stated;~~

~~(e) in the case of submission of records from sources other than the editorial office, this should be stated;~~

~~(f) in stating hypotheses or causal relationships regarding the occurrence of possible disasters, the views of the competent public authority shall also be sought.~~

~~(6) The following requirements must be respected in audiovisual news and debate programmes providing information on matters of public interest of a political, economic, social or cultural nature:~~

~~a) ensure impartiality, balance and favour the free formation of opinions, by presenting the main opposing points of view, during the period when the issues are under public debate;~~

~~b) avoid any form of discrimination.~~

~~(7) The presentation of the main opposing views shall, as a rule, be provided in the same audiovisual programme and, exceptionally, in subsequent programmes. If those invited refuse to participate or to express their point of view, this must be mentioned in the audiovisual programme. The absence of the point of view of one of the parties does not exonerate the producer/moderator from ensuring impartiality.~~

~~(8) Media service providers may not broadcast audiovisual news and debate programmes presented or moderated by persons holding positions of public dignity or spokespersons of public institutions, as well as by persons publicly nominated to stand for election or who have publicly announced their intention to stand for election of any kind.~~

~~(9) In audiovisual news and debate programmes, media service providers shall ensure a balanced presentation of representatives of the government and the opposition. Presenters and moderators should indicate the political status of persons expressing their views on matters of public interest.~~

~~(10) Audiovisual news and discussion programmes dealing with issues of public interest relating to ethnic, religious or sexual minorities should also present the views of their representatives.~~

~~(11) In the case of a televote or own survey, such as *vox populi*, organised and presented by the media service provider, the following requirements must be met:~~

~~a) no rewards are offered to respondents;~~

~~(b) there is no breach of the legislation on the protection of minors;~~

~~(c) the statement "The televote/survey is not representative of public opinion and does not constitute an opinion poll" is broadcast in the invitation to the public to participate in the televote or survey and in the presentation of the results.~~

~~(12) Live transmission must be accompanied at all times by the words "Live".~~

~~(13) Rebroadcasting of audiovisual programmes must be accompanied by the words "Rebroadcast" for the duration of the broadcast, except for cinematographic works.~~

~~(14) The broadcasting of archival images and/or sound recordings must be accompanied by their dating or the mention "Archive".~~

(15) The Audiovisual Council establishes detailed provisions in the Regulation on audiovisual content to ensure quality information to the public based on high journalistic standards, including during election periods. ~~The Audiovisual Council shall lay down detailed provisions in the Regulation on audiovisual content to ensure that the public is correctly informed.~~

(16) In providing information to the public, the Audiovisual Council shall encourage the development and implementation of mechanisms for professional co-regulation and self-regulation.

Article 14. Right of reply or correction

(1) Any natural or legal person who considers that his or her rights have been infringed as a result of the broadcasting of audiovisual programmes or the presentation of other elements of audiovisual media services shall have the right of reply in accordance with the Law no.64/2010 on freedom of expression.

(2) The procedure for the exercise of the right of reply or rectification and any other necessary measures, including sanctions, to guarantee the right of reply or rectification shall be approved by the Audiovisual Council within a reasonable period of time from the date of submission of the applicant's application.

(3) Dissemination of the rectification, denial or granting of the right of reply does not exclude the right of the injured party to apply to the courts.

Article 15. Protection of minors

(1) Media service providers shall observe the principle of the best interests of the child.

(2) The minor has the right to the protection of his/her image and privacy.

(3) In determining the conditions for the participation of minors in an audiovisual programme, account shall be taken of the age-specific sensitivity and vulnerability of minors in general and their personality type in particular.

(4) The minor's right to respect for his or her private life and image prevails over the need for information, including in the case of a minor in difficult circumstances.

(5) In audiovisual programmes, the minor shall not be used or exposed by parents, relatives, legal representatives, lawyers or other persons responsible for the upbringing and care of the minor for the purpose of gaining advantages of any kind or influencing the decisions of public authorities.

(6) In linear audiovisual media services, the broadcasting of audiovisual programmes likely to impair the physical, mental or moral development of minors, in particular those containing scenes of pornography or unjustified violence, shall be prohibited.

(7) Audiovisual programmes likely to impair the physical, mental or moral development of minors may be broadcast on linear audiovisual media services only if their viewing is restricted by a conditional access system.

(7¹) Audiovisual media service providers have an obligation to effectively reduce the exposure of minors to advertising for foods and beverages high in fat, salt or sugar (HFSS).

(7²) Sponsorship by trademark holders of HFSS products for audiovisual programs intended to be heard/viewed by children under the age of 12 is prohibited.

(8) In non-linear audiovisual media services and video-sharing platform services, audiovisual programs and user-generated video material which might impair the physical, mental or moral development of minors may be made available with the mandatory provision of access restriction measures, including the use of age verification tools and other technical , so that minors cannot normally see or hear such programs. ~~In non-linear audiovisual media services, audiovisual programmes which might impair the physical, mental or moral development of minors may be made available with the compulsory provision of access restriction measures so that minors cannot normally see or hear such programmes.~~

(9) The Audiovisual Council shall lay down detailed provisions in the Audiovisual Content Regulation on:

- a) classification of audiovisual programmes for the protection of minors;
- b) information containing personal data that has a negative impact on minors;
- c) information with a negative impact on minors;
- d) information on minors at risk.

(10) The Audiovisual Council shall establish additional requirements for media service providers regarding the protection of minors in linear audiovisual media services:

- a) broadcast on Saturdays and Sundays, during holidays for minors and on public holidays;
- b) broadcast between 07.00-08.00 and 17.00-21.00, and on the days and during the periods referred to in a) - 08.00-12.00 and 17.00-22.00;
- c) in the case of broadcasting programs dedicated to gambling, which may take place in accordance with the provisions of Law no. 291/2016 on the organization and conduct of gambling;

[Art. 15 al.(10), letter c) in the wording of LP302 of 19.12.24, MO5-7/10.01.25 art.17; in force 10.02.25]

- d) in the case of the broadcasting of audiovisual commercial communications;
- e) in other cases provided for in directives, resolutions and recommendations adopted by the European Parliament, the Council of the European Union and/or the Council of Europe.

(11) In order to protect minors, the Audiovisual Council:

- a) promote among media service providers the need for regulation in the field of audiovisual commercial communications;
- b) lay down requirements in the field of non-linear audiovisual media services concerning the protection of minors;
- c) promote, on the basis of recommendations, the creation and updating of audiovisual programme catalogues for minors and audiovisual programme catalogues with prior individual authorisation

Article 16. Protection of persons with disabilities

(1) Persons with visual or hearing disabilities have the right of access to audiovisual media services.

(2) Media service providers shall meet accessibility requirements through a progressive and continuous process, subject to technological and economic possibilities and practical constraints, such as real-time broadcasting of events ~~Media service providers shall ensure compliance with the right referred to in paragraph (1) in accordance with technological and economic possibilities.~~

(3) National and regional media service providers are obliged to provide television services:

- a) interpret at least one audiovisual news programme of the daily broadcasting time in sign language or by synchronous titling;
- b) interpret in sign language or by synchronous titling audiovisual programmes of major importance in their entirety or summaries thereof;
- c) interpret in sign language at least 60 minutes of the monthly broadcasting time of the audiovisual media service;
- d) inform the public in advance of the broadcasting times of the audiovisual programmes referred to in points (a) to (c).

(4) In order to measure the progress that media service providers are making in gradually increasing the accessibility of their services to people with visual or hearing impairments, the Audiovisual Council shall require media service providers to submit regular reports. ~~The Audiovisual Council shall approve regulations to ensure the right of access to audiovisual media services for people with visual or hearing disabilities.~~

(5) The Audiovisual Council shall set up a contact point for the provision of information and the reception of complaints regarding the accessibility of audiovisual media services.

Article 17. Protection of national audiovisual space

(1) Radio frequencies intended for the provision of audiovisual media services in digital terrestrial or analogue systems constitute public property and shall be used on the basis of broadcasting licences issued in accordance with the law.

(2) The national audiovisual space shall be used under the conditions of this Code, intended:

- (a) to promote the free flow of information;
- b) contribute to ensuring freedom of expression;
- c) contribute to meeting social information needs;
- d) to contribute to ensuring the professional and social integrity of media service providers.

(3) In the national audiovisual space it is prohibited to broadcast audiovisual programs which:

a) contain any incitement to violence or hatred against a group of persons or a member of a group based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation or any discrimination on the grounds of nationality;

(b) harms or presents a risk of serious and grave damage to public health;

c) qualified as disinformation;

(d) it prejudices or presents a risk of seriously and gravely harming public security, including the provision of national security and national defense,

f) contain messages with the intent to incite the commission of one of the offences listed in paragraph 3¹ of this Article, where such conduct, directly or indirectly, including by glorifying terrorist acts, promotes the commission of terrorist offences, thereby creating a risk that one or more such offences will be committed, shall be criminalized as a criminal offence when committed intentionally. ~~The broadcasting of audiovisual programmes that constitute hate speech, disinformation, propaganda of military aggression, extremist content, content of a terrorist nature or content that poses a threat to national security is prohibited in the national audiovisual area.~~

~~or content that poses a threat to national security is prohibited in the national audiovisual area.~~

[Art. 17 (3) amended by LP143 of 02.06.22, OG 185/22.05.22 art.347; in force 22.06.22]

(3¹) Intentional acts, as defined as offences under domestic law, which, by their nature or context, may seriously harm a country or an international organization, are defined as terrorist offences when committed for one of the purposes listed in paragraph 3², are as follows:

(a) interference with a person's life which may cause death;

b) attacks to the physical integrity of a person;

c) kidnapping or hostage-taking;

d) causing massive destruction to a government or public building, transportation system, infrastructure, including an information system, a fixed platform located on the continental shelf, a public place or private property, which is likely to endanger human life or cause considerable economic loss;

e) the capture of aircraft, vessels or other means of passenger or goods transportation;

(f) the manufacture, possession, acquisition, acquisition, transportation, supply or use of explosives or weapons, including chemical, biological, radiological, radiological or nuclear weapons, as well as research and development of chemical, biological, radiological or nuclear weapons;

g) release of dangerous substances or causing fires, floods or explosions which would endanger human life;

h) the disruption or interruption of water, electricity or any other fundamental natural resource which would have the effect of endangering human life.

3² The purposes referred to in paragraph 3¹ are:

a) to seriously intimidate a population;

(b) to unlawfully compel a government or an international organization to do or abstain from doing any act;

c) to seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization.

~~(4) In order to protect the national audiovisual space and ensure information security:~~

~~(a) media service providers shall not broadcast, and media service distributors shall not retransmit, audiovisual television and radio programmes with news, information, analytical,~~

~~military and political content which have been produced in States other than Member States of the European Union, the United States of America, Canada and States which have ratified the European Convention on Transfrontier Television, with the exception of films and entertainment programmes which do not have military content;~~

~~(b) media service providers shall not broadcast and media service distributors shall not retransmit audiovisual programmes which, irrespective of their origin, justify wars of aggression, deny war crimes and crimes against humanity or incite hatred.~~

~~[Art. 17 para.(4) in wording of LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

(5) The Audiovisual Council shall monitor and supervise compliance by media service providers and media service distributors with the provisions of this Code on the protection of the national audiovisual space and ensuring information security, and may establish regulations and take the necessary measures, within the limits of its competence, to achieve this purpose.

(6) In order to secure the national audiovisual space, the Audiovisual Council shall ensure the implementation of the necessary measures under the conditions of the Law no. 212/2004 on the state of emergency, siege and war.

~~[Art. 17 para.(6) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

Article 17¹. Freedom of reception of audiovisual media services and related restrictions

(1) The State shall guarantee freedom of reception of audiovisual programs that have been produced in the Member States of the European Union and States that have ratified the European Convention on Transfrontier Television.

(2) Audiovisual programs which have been produced in states other than the Member States of the European Union and States which have ratified the European Convention on Transfrontier Television may be broadcast and retransmitted without prejudice to the provisions of this Code.

(3) In case of violation of the legislation of the Republic of Moldova in the programs of audiovisual media service providers from other states, the Audiovisual Council shall apply the measures provided for by the European Convention on Transfrontier Television, other international treaties to which the Republic of Moldova is a party, as well as by this normative act.

(4) By way of derogation from provisions of paragraph (1) of this Article, in the event of a breach by a media service provider from a Member State of the European Union of the requirements of Article 17 paragraph (3) of this Code, the Audiovisual Council shall be obliged to notify the media service provider and the regulatory authority having jurisdiction over it of the finding of the breach and of the proportionate measures to restrict its retransmission which the Audiovisual Council intends to take in the event of a repeated breach. If that media service provider from a Member State of the European Union commits a second infringement within 12 months of the finding of the infringement under Article 17(3) of this Code, the Audiovisual Council shall restrict its retransmission on the territory of the Republic of Moldova for a period of up to six months.

(5) In urgent cases related to ensuring the national security of the Republic of Moldova, the Audiovisual Council shall, within seven working days of receiving information indicating the existence of relevant circumstances, restrict the retransmission of a foreign media service provider from a Member State of the European Union that has violated the requirements of Article 17 paragraph (3) of this Code for a period of up to six months. In the event of the imposition of such a restriction, the Audiovisual Council must urgently inform the regulatory authority having jurisdiction over the foreign media service provider of the reasons for the urgency.

(6) By way of derogation from paragraph (2) of this Article, in the case of a media service provider from a State which is not a member of the European Union and has not ratified the European Convention on Transfrontier Television, which is found to be in breach of the requirements of Article 17 paragraph (3) of this Code, the Audiovisual Council shall decide on the suspension of the service concerned. In its decision, the Audiovisual Council shall indicate the measures and the date of their application in order to suspend the reception of such audiovisual media services, television programs and/or individual programs and/or catalogs on the territory of the Republic of Moldova. The measures to be applied and the deadlines for their application shall be proportionate to the infringements committed, and the type of measure shall be selected taking into account the entity as well as the manner of dissemination of public information.

(7) The Audiovisual Council shall request the opinion of the European Media Services Board on the measures it intends to take in application of paragraphs (4) to (6).

Article 18. Gender equality

- (1) Media service providers shall promote the principle of equality between women and men in their activity.
- (2) Media service providers shall observe the principle of equality between women and men when broadcasting audiovisual programmes.
- (3) The use of sexist language and scenes of violence and degrading behaviour towards women and men in audiovisual media services is prohibited.

Article 19. Cultural responsibilities

- (1) Audiovisual media services reflect the diversity of the national and European cultural space.
- (2) Media service providers shall ensure compliance with the orthographic, orthoepic, morphological and syntactic rules of the Romanian language and other broadcast languages in audiovisual programmes.
- (3) Audiovisual programmes broadcast in other languages shall be accompanied by translation into Romanian (dubbing, sound and/or subtitling). This provision does not apply to local audiovisual programmes, language learning programmes and music videos.
- (4) Artistic and documentary films shall be broadcast with dubbing or subtitling in Romanian, keeping the original soundtrack ~~or, where appropriate, the licensed language version,~~ and children's films shall be dubbed or subtitled in Romanian.
- (5) **Thematic audiovisual media services with a musical profile must contain:**
 - a) at least 30% of musical works in Romanian;
 - b) at least 10% of musical works by composers, performers and producers originating from the Republic of Moldova ~~Television services with music content and sound broadcasting services must contain at least 30% of musical works in Romanian, including 10% of musical works by composers, performers and producers originating in the Republic of Moldova.~~
- (5¹) **In justified cases, the Audiovisual Council is entitled to grant a derogation from the application of the provisions of paragraph (5) to thematic audiovisual media services with a musical profile focusing on classical, jazz, ambient, instrumental electronic or similar music.**
- (6) Musical works referred to in paragraph (5) must be broadcast between 06.00 and 24.00.
- (7) The provisions of paragraph (4) shall not apply to art films and documentaries dubbed into Romanian before 1991.
- (8) The Audiovisual Council shall approve regulations on the application of and compliance with paragraph (5).

Article 20. Access to events of major importance

- (1) All persons have the right of access to events of major importance via television services without prior individual authorisation.
- (2) Events of major importance may be broadcast exclusively on the television services of national media service providers without prior individual authorisation only if the transmission does not deprive a substantial proportion of the public of the possibility of watching them live or on deferred transmission.
- (3) The list of events of major importance shall be approved by the Audiovisual Council.
- (4) The List of Major Events shall establish:
 - a) the percentage of the population that represents a substantial proportion of the public;
 - b) the right of the media service provider to broadcast the event of major importance live or deferred, in whole or in part.
- (5) Media service providers under the jurisdiction of the Republic of Moldova, which have exclusive rights to broadcast events of major importance, may not deprive the public of the possibility to watch these events via other audiovisual media services.
- (6) All media service providers under the jurisdiction of the Republic of Moldova shall have the right to report on a major event by means of an extract, provided that the prior consent of the media service provider holding exclusive rights is sought:
 - a) recording the signal of the media service provider holding exclusive rights, in order to make an extract;

- b) accessing the venue of the major event to make an extract.
- (7) If an organised major event consists of several organisationally autonomous elements, each element shall be considered as a major event.
- (8) If an event of major importance is organised over several days, at least one extract shall be drawn up for each day.
- (9) Extracts are made:
- (a) on fair, reasonable and non-discriminatory terms;
- b) under conditions of free choice.
- (10) The authorised duration of an extract is a maximum of 60 seconds.
- (11) When using extracts, media service providers shall comply with the following requirements:
- (a) be broadcast only in regular main news programmes;
- (b) are not broadcast before the main broadcast of the major event by the media service provider holding exclusive rights;
- (c) the name and/or logo of the media service provider holding exclusive rights is mentioned as the source, if it has been made by recording the signal of the media service provider holding exclusive rights, unless other contractual arrangements exist between the media service provider holding exclusive rights and the media service provider using the extract;
- d) the broadcast extract may be used repeatedly only if there is a direct link between its content and another news event;
- (e) all original elements of the audiovisual programmes used for the making of the extract in the possession of the media service provider are destroyed after the making of the extract and the media service provider holding exclusive rights is informed thereof;
- (f) extracts may be kept in the archives but may not be used repeatedly, except in the circumstances referred to in point (d).
- (12) The media service provider holding exclusive rights shall not be entitled to collect payments from media service providers for extracts unless there are other contractual arrangements between them.

Article 21. Transparency of ownership of media service providers

- (1) Media service providers are obliged to ensure simple, direct and permanent access for users of audiovisual media services to at least the following categories of information:
- (a) its name, legal status and registered office;
- b) the names of the legal representatives;
- c) beneficial owners who directly or indirectly control the media service provider;
- d) the list of shareholders and associates up to the level of natural person, except for shareholders and associates who are joint stock companies with bearer shares or listed on international stock exchanges;
- (e) the persons in the management and, where appropriate, supervisory bodies and the functions held by them;
- f) the persons responsible for editorial policy;
- (g) the contact details of the media service provider, including legal address, mailing address (if applicable), e-mail address and official website, where the media service provider can be contacted quickly, directly and effectively.
- (2) Media service providers are obliged to submit the annual activity report in electronic form through the electronic service available on the official website of the Audiovisual Council, in accordance with the approved template, by March 31. The model of the report approved by the Audiovisual Council shall include data on: the name of the legal entity, its form of organization, the name, nationality of the beneficial owner(s), description of the ownership structure, the share capital of the media service provider, the budget of the audiovisual media service, its sources of financing and information on the implementation of the audiovisual media service concept for the previous year of activity.
- (3) The annual activity reports of the media service providers shall be approved by the Audiovisual Council within 30 days of the submission deadline.
- (4) The approved annual activity reports shall be published on the websites of the media service providers within 3 days from the date of approval.

Article 22. Dissemination of information on states of emergency, siege and war

(1) Information and official announcements of public authorities on the state of emergency, siege and war shall be broadcast in linear audiovisual media services operationally and with priority, including by means of mimetic-gestual language or synchronized titling. ~~Official information and announcements of public authorities on states of emergency, siege and war shall be disseminated by media service providers in full and with priority.~~

(2) The information referred to in paragraph (1) shall be received at the permanent online contact point, which each audiovisual media service provider shall set up and display in a visible place during a state of emergency, siege or war. ~~The information referred to in paragraph (1) shall be broadcast on linear audiovisual media services in an operational manner as soon as it is communicated.~~

(2¹) Media service providers shall report on the fulfillment of the commitments provided for in this Article in the manner determined by the Audiovisual Council.

~~(3) The information referred to in paragraph (1) shall be disseminated, including by means of mimetic language or synchronous titration, in order to ensure access to information for people with hearing disabilities.~~

Article 23. Protection of copyright and related rights

The protection of copyright and related rights in the provision of audiovisual media services is ensured in accordance with copyright and related rights legislation.

Chapter III LINEAR AUDIOVISUAL MEDIA SERVICES

Article 24. Organisation and operation of linear media services

(1) Linear audiovisual media services shall be provided by:

- a) private media service providers;
- b) public media service providers;
- c) community media service providers.

(2) The media service provider must keep a copy of each audiovisual programme included in the linear audiovisual media service for at least 30 days from the date of its broadcast.

(3) Where an audiovisual programme included in the linear audiovisual media service is the subject of a request for a right of reply and/or rectification, the media service provider must keep a copy of the programme concerned until the disputes are finally settled.

(4) Linear audiovisual media services shall be provided on the basis of a broadcasting licence.

Article 25. Broadcasting licence

(1) ~~The broadcasting license shall be granted, suspended or withdrawn by the Audiovisual Council on the basis of the provisions of this Code. The broadcasting licence shall be granted on the basis of the provisions of this Code.~~

(2) The broadcasting license is granted for a term of 9 years and is valid from the date of publication of the decision of the Audiovisual Council in the Official Gazette of the Republic of Moldova.

(3) The broadcasting license is granted for each linear audiovisual media service.

(31) In order to obtain a broadcasting license, the applicant shall submit to the Audiovisual Council an application according to the model approved by the Audiovisual Council, to which shall be attached:

- a) a copy of the applicant's statute, legalized in the established manner, with all amendments introduced along the way;
- b) the general concept of the audiovisual media service, according to the model approved by the Audiovisual Council;

- c) the weekly broadcasting schedule of the audiovisual media service, according to the model approved by the Audiovisual Council;
- d) the editorial project, which will contain: the purpose, tasks, time and volume of broadcasting (in accordance with the provisions of art. 4 para. (1), (2) and (6)–(10), art. 5, 6, art. 19 para. (1), (2), (5) and (6)); enumeration, description and classification of audiovisual programs by program types, specifying the weight of different genres of informative, cultural, educational and entertainment audiovisual programs; transmission method (via waves, through service distributors, by radio relay, by satellite, internet, etc.); broadcast range;
- e) the list of the applicant's beneficial owners, indicating the size of the participation quota, according to the model approved by the Audiovisual Council;
- f) the financial project (business plan), which will include: the stages of project implementation, the economic assurance of the project, the institution's organizational chart and the applicant's experience in the field of audiovisual media services;
- g) name and identification elements of the audiovisual media service: identification signals in electronic format;
- h) declaration regarding direct or indirect participation or non-participation with capital in the statutory funds of media service providers and/or media service distributors (in percentages), according to the model approved by the Audiovisual Council;
- i) declaration on the applicant's own responsibility regarding the commitment to comply with the licensing conditions when carrying out the broadcasting activity of the audiovisual media service and regarding the authenticity of the documents submitted, according to the model approved by the Audiovisual Council.

(32) Within 30 days from the date of submission of the application provided for in paragraph (31), the Audiovisual Council shall issue or refuse, by a reasoned decision, the issuance of the broadcasting license. The respective term may be extended by decision of the Audiovisual Council by no more than 30 days.

(4) The broadcasting license shall contain:

- a) the broadcasting license number;
- b) identification data of the broadcasting license holder;
- c) identification data of shareholders and associates up to the level of natural or legal person, with the exception of shareholders and associates that are joint-stock companies with bearer shares or listed on international stock exchanges;
- d) the principle (general) concept, type and structure of the audiovisual media service;
- e) name and identification elements of the audiovisual media service;
- f) broadcasting area, in the case of provision of the audiovisual media service in analogue or digital terrestrial system;
- g) validity period;
- h) electronic communications network used for provision of the audiovisual media service;
- i) frequencies, in the case of sound broadcasting audiovisual media services;
- j) digital multiplex within which the audiovisual media service is provided;
- k) commitment of the media service provider to comply with the provisions of this code and of the acts approved by the Audiovisual Council;
- l) the commitment of the media service provider to keep the recordings of audiovisual programs for the period provided for by the legislation;
- m) the commitment of the media service provider to present to the Audiovisual Council the information requested in order to exercise its powers;
- n) the arguments for which the Audiovisual Council granted the broadcasting license to the media service provider;
- o) the commitment of the media service provider to publish on its official website the annual activity reports drawn up according to the model approved by the Audiovisual Council.

(5) Media service providers are obliged to request in writing the consent of the Audiovisual Council for any modification in the documents and in the declared data provided for in paragraph (4) letters ~~e~~–~~d~~–e. In the event of a favorable decision on the request, the modifications in the content of the broadcasting license are made free of charge.

(5¹) Amendments to the content of the broadcasting license concerning the identification data of shareholders and associates up to the level of natural person shall be made free of charge, if the consent of the Audiovisual Council is obtained, in accordance with Article 28 paragraphs (11) and (13).

(6) Media service providers are obliged to notify the Audiovisual Council, within 30 days, of any changes in the documents and data declared under paragraph (4) letters b), f) and h).

(6¹) In the cases provided for in paragraphs (5) and (6), the Audiovisual Council shall examine the application/notification within 30 days from the date of submission. The respective term may be extended by decision of the Audiovisual Council by no more than 15 working days.

(7) During the validity of the broadcasting license, the Audiovisual Council shall modify, on its own initiative and free of charge, the content of the broadcasting license in order to adjust the activity of the media service provider to the changes in the legislation.

(7¹) The holder of the broadcasting license shall be obliged to provide the audiovisual media service within 6 months from the date of validity of the license at the latest.

(8) Throughout the validity period of the broadcasting license, the media service provider may request, whenever it deems necessary, the suspension of the broadcasting license, provided that the cumulative duration of the suspension will not exceed 6 months, with the exception of media service providers that use multiplex slots and/or radio frequencies, in whose case the duration of the suspension may not exceed 3 months.

9) If the deadlines provided for in paragraph (8) are exceeded, the Audiovisual Council shall examine the appropriateness of withdrawing the broadcasting license.

Article 25¹. Use of multiplex slots and/or radio frequencies for the broadcasting of audiovisual media services

(1) The right of use of multiplex slots and/or radio frequencies for the broadcasting of audiovisual media services by media service providers shall be granted by the Audiovisual Council on a competitive basis, with the technical parameters from the set indicated in the technical conclusion of the central specialized body of the public administration.

(2) The right of use of multiplex slots and/or radio frequencies for the broadcasting of audiovisual media services by media service providers / retransmission of media services by media service distributors shall be granted for the period of validity of the broadcasting licence / retransmission authorisation.

(3) The available capacity of the multiplex may be used:

a) by media service providers, based on the decision of the Audiovisual Council and the broadcasting licence;

b) by media service distributors, based on the decision of the Audiovisual Council and the retransmission authorisation, if there is available multiplex capacity not requested by the media service providers.

(4) Notwithstanding the provisions of paragraph. (1) to (3), the available capacity of the multiplex, not requested by media service providers and/or media service distributors within the jurisdiction of the Republic of Moldova, may be used, based on the decision of the Audiovisual Council, by the foreign media service provider if the right to retransmit these services on the territory of the Republic of Moldova is provided for by an international treaty to which the Republic of Moldova is a party.

(5) The number of audiovisual media services using a multiplex depends on the technical possibilities of the multiplex. The number of audiovisual media services shall be determined in the technical conclusion of the central public administration's specialist body, but may not be less than 4 for standard resolution television and less than 2 for high resolution television.

(6) The audiovisual media services of the national public media service provider - "Teleradio-Moldova" Company and those of the regional public media service provider - "Gagauziya Radio Televizionu" Company shall be provided with the possibility to be included without competition in the multiplex with national coverage with unconditional access. The costs of broadcasting audiovisual media services included in the multiplex shall be covered by the respective public media service provider.

(7) Audiovisual media services shall be broadcast via the multiplex under non-discriminatory conditions, with the parameters from the set indicated in the technical conclusion of the central specialized body of the public administration. Depending on the broadcasting parameters of the set specified in the technical conclusion of the central specialist body, agreed in the contract concluded with the multiplex provider, the multiplex provider shall be paid corresponding payments, which shall be identical in the case of identical broadcasting parameters.

(8) Media service providers who have won the right to use a slot in a multiplex are obliged to broadcast audiovisual media services via the slot within a maximum of one month from the date of the adoption of the decision of the Audiovisual Council granting them the right to use the slot. If broadcasting has not started within that period, the Audiovisual Council may revoke the media service provider's right to use the slot in the multiplex.

(9) The media service provider may request the Audiovisual Council to suspend the broadcasting of the audiovisual media service for a period not exceeding 3 months. If the media service provider does not start broadcasting via the multiplex within 10 days from the date of expiry of the suspension period, the Audiovisual Council may revoke the right of the media service provider to use the slot in the multiplex.

(10) The Audiovisual Council revokes the right to use the radio slot/slots and/or /frequency/frequencies if the media service provider has interrupted broadcasting for a period of more than two consecutive months.

Article 26. Extension of the validity of the broadcasting licence

(1) At the request of the holder of the broadcasting licence, its validity may be extended for a further period in accordance with the provisions of this Article. No later than 6 months, but not less than 3 months before the expiry of the term for which the broadcasting licence was granted, the media service provider shall submit an application for the extension of the validity of the broadcasting licence to the Audiovisual Council.

(2) The Audiovisual Council shall extend the validity of the broadcasting license if the following requirements are met:

(a) the media service provider has submitted an application for an extension of the validity of the broadcasting licence within the period referred to in paragraph 1;)

~~(b) the media service provider has complied with the (general) concept, type and structure of the audiovisual media service laid down in the content of the broadcasting licence;~~

c) the media service provider has not been sanctioned by the Audiovisual Council for serious infringements as a result of which the broadcasting licence was suspended for a period of 30 to 60 days.

(3) The Audiovisual Council shall adopt the decision to extend the validity of the broadcasting licence or to reject the application for extension at least 60 days before the expiry of the term for which the licence was granted.

(4) A broadcasting licence extended under paragraph (3) shall become valid from the date of expiry of the previous term for which it was granted.

(5) If the Audiovisual Council has not adopted a decision, within the period referred to in paragraph (3), on the extension of the validity of the broadcasting licence or on the rejection of the application, the broadcasting licence shall be deemed to be automatically extended.

(6) If the extension of the validity of the broadcasting licence has not been requested, the frequency or channel shall be put out to tender 3 months before the expiry of the term for which the licence was granted.

(7) If the application for an extension of the validity of the broadcasting licence has been rejected, the frequency or channel shall be put out to tender after the expiry of the period for which the licence was granted.

(8) The media service provider whose application for the extension of the validity of the broadcasting licence has not been accepted is entitled to challenge the decision of the Audiovisual Council in court.

In this case, the Audiovisual Council will act in accordance with the final court decision.

(9) The broadcasting licence may not be assigned.

Article 27. Withdrawal of broadcasting license

The broadcasting license shall be withdrawn in the following cases:

- a) the media service provider notifies the Audiovisual Council about the renunciation of broadcasting the audiovisual media service;
- b) the media service provider has not started broadcasting within 6 months from the issuance of the broadcasting license in analogue format and 3 months – in digital terrestrial system;
- c) the media service provider has not paid the broadcasting license fee, established in accordance with Law No. 160/2011 on the regulation of entrepreneurial activity by authorization, after being warned twice, in writing, by the Audiovisual Council;
- d) the media service provider has submitted false information to the Audiovisual Council, which led to the violation of the legal regime of property in the field of audiovisual media services;
- e) - *repealed*;
- f) the media service provider has repeatedly violated the provisions of art.11 paragraph (2) and art.17 of this code after the sanctions provided for in art.84 paragraph (9) of this code have been gradually applied to it;
- g) the media service provider whose broadcasting license has been suspended in accordance with art.84 paragraphs (10) and (103) of this code does not remedy the violation for which it was sanctioned with suspension and/or is sanctioned more than twice within 12 months from the expiration of the suspension sanction;
- h) the media service provider whose broadcasting license has been suspended in accordance with art.84 paragraph (91) of this code does not remedy the violation.

Article 28. Legal ownership of media service providers

(1) Private media service providers are natural and/or legal persons.

[Art.28 para.(1) amended by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

[Art.28 para.(1) the text "and operate in the form of companies" is declared unconstitutional by HCC6 of 10.03.22, OG80-87/25.03.22 art.43; in force 10.03.22]

(2) Private media service providers may not have a beneficial ownership:

- a) Parliament, the President of the Republic of Moldova or the Government;
- (b) a specialised central body or central administrative authority;
- c) a local government authority;
- d) other body/authority, established for the purpose of exercising administrative, social-cultural or non-commercial functions;
- e) a public institution financed in whole or in part from the state budget;
- f) a commercial organisation financed in whole or in part from the state budget;
- g) a party or a socio-political organisation;
- h) a commercial organisation which has as founder or co-founder at least one of the subjects referred to in points a) to g);
- (i) a trade union;
- j) a religious cult.

(3) Private media service providers shall operate under a legal ownership regime which ensures economic efficiency, provided that it does not lead to the emergence of dominant positions in the formation of public opinion.

~~(4) Any agreements (coordinated actions) of competing natural and legal persons in the field of audiovisual media services, which jointly hold a dominant position on the market, shall be prohibited and, in the manner laid down by the legislation in force, deemed invalid in whole or in part, if they have or may have the effect of restricting competition.~~

~~(5) Any agreements (coordinated actions) of non-competing natural and legal persons in the field of audiovisual media services, of which one person is in a dominant position on the market and the other is its supplier or buyer, shall be prohibited and, in the manner laid down by the legislation in force, deemed invalid in whole or in part, if such agreements (coordinated actions) lead or are likely to lead to a restriction of competition.~~

(6) A natural person may be the beneficial owner of not more than 2 television services.

(7) A natural person may be the beneficial owner of no more than 2 sound broadcasting services.

(8) A natural person, his/her spouse, or a legal person who is a founder/partner/sole owner or who holds more than 50% of the shares, voting rights or share capital of a legal person in the field of audiovisual media services may not hold more than 20% of the shares, voting rights or share capital of a legal person in the field of audiovisual media services under the jurisdiction of the Republic of Moldova.

(9) Political parties, legal entities or undertakings founded by them, trade unions and religious cults may not hold shares, voting rights or quotas in the share capital of legal persons in the field of audiovisual media services.

(10) A natural person who holds a position in the legislative, executive or judicial public administration authorities, as well as a natural person who holds an elective position in the governing bodies of a party or other socio-political organisation and is a founder and/or holds shares in a legal person in the field of audiovisual media services may not have the right to vote in them.

(11) A natural or legal person who increases its quotas or acquires shares in the share capital or voting rights of a legal entity holding a broadcasting licence or of a legal entity controlling the holder of such a licence is obliged to obtain prior approval from the Audiovisual Council before acquiring the quotas, except in the cases provided for in paragraph (13) ~~Any natural or legal person who owns or acquires 20% or more of the share capital or voting rights of a legal person holding a broadcasting licence or of a legal person controlling the holder of such a licence is obliged to notify the Audiovisual Council thereof, by means of a written declaration under his own responsibility, within 30 days from the date on which he reached that share.~~

(12) The use of the name of a third person by a legal person applying for a broadcasting licence or controlling a legal person holding a broadcasting licence for the purpose of circumventing the provisions of this Code is prohibited.

(13) ~~In case the natural person increases its shares or acquires shares in the share capital or voting rights of a legal person holding a broadcasting licence or of a legal person controlling the holder of such a licence, as a result of the closure of the succession procedure, the media service provider is obliged to inform the Audiovisual Council about the changes within 30 days. Private media service providers shall be obliged to publish on their websites and submit to the Audiovisual Council, by 1 February each year, an activity report, according to the model approved by the Audiovisual Council, including the name, nationality of the beneficiary owner(s), description of the ownership structure, organisation chart and share capital of the media service provider, sources of financing of the audiovisual media service and information on the realisation of the audiovisual media service concept for the previous year of activity.~~

(14) The legal ownership of public and community media service providers is regulated in Chapters IV and VI.

Article 29. Limitation of audience share

(1) In accordance with the provisions of this Code and for the purpose of determining the audience share of audiovisual media services, the following shall be deemed:

a) the market for linear audiovisual media services with national, regional, local coverage is the totality of audiovisual media services of national, regional, local media service providers, in the corresponding coverage area, within the jurisdiction of the Republic of Moldova;

b) the linear audiovisual media services with a significant weight in the formation of public opinion are the generalist audiovisual media services and the news services;

(c) significant market means the totality of the linear audiovisual media services referred to in point (b) of national, regional and local media service providers in the relevant coverage area;

(d) audience share means the market share allocated to a given linear audiovisual media service in the relevant coverage area, determined in accordance with this Article.

(2) In determining the dominant position in the formation of public opinion, account shall be taken of audiovisual media services referred to in paragraph (1)(b) which the natural or legal person either provides as the holder of the broadcasting licence or holds more than 20% of the share capital or voting rights of the holder of the broadcasting licence providing those services.

(3) In the case of the natural person, in addition to the provisions of paragraph (2), the persons close to him shall also be taken into account, according to the Law no.133/2016 on the declaration of wealth and personal interests.

(4) A natural or legal person shall be deemed to be in a dominant position in the formation of public opinion where the weighted audience share of the allocated audiovisual media services exceeds 35% of the significant market.

(5) The weighted audience share of audiovisual media services allocated to a natural or legal person is the sum of the audience shares for each of the audiovisual media services referred to in paragraph 2 weighted by the share of capital or the share of voting rights held by that person.

(6) The determination of the audience share for each national, regional and local linear audiovisual media service in the corresponding coverage area shall be carried out on a quarterly basis by calculating the average audience share recorded in the previous quarter.

(7) The Audiovisual Council shall assess the dominant position in the formation of public opinion of a natural or legal person where there are reasonable indications that the limit laid down in paragraph (4) has been reached. If a dominant situation in the formation of public opinion is found, the Audiovisual Council shall engage in conciliation with the holder of the broadcasting licence in order to agree on measures to remedy the situation and ensure pluralism of opinion. If the conciliation does not lead to a joint agreement within 6 months or if the agreement is not implemented within a reasonable period of time in order to ensure pluralism of opinions, the Audiovisual Council may impose sanctions in accordance with the provisions of this Code.

(8) If the Competition Council finds an anti-competitive practice within the meaning of paragraphs (2) to (5), it shall refer the matter to the Audiovisual Council.

Article 30. Measurement of audience shares

(1) The measurement of audience shares and market shares shall be carried out by specialised institutions selected by open competition in accordance with international standards and practices.

(2) The competition stipulated in paragraph (1) shall be conducted once every 5 years by an industry organization representing national media service providers, advertisers and other recipients of audience share measurement services that purchase audience share measurement services, and in its absence by the stakeholders in the audiovisual media industry. ~~The competition stipulated in paragraph (1) shall be held at the initiative of the Audiovisual Council once every 5 years.~~

(2¹) The contest is organized on the basis of a regulation developed and approved by the organizers of the contest, which must ensure an open and transparent procurement process in accordance with international standards and practices in this field.

(2²) The Audiovisual Council initiates the contest if it has not been initiated by the sectoral organization or interested parties within the deadlines set by paragraph (2) within one year from the expiry of the set deadlines.

(2³) By derogation from the provisions of paragraph (1), the measurement of audience ratings by specialized institutions which have not been selected through an open competition is permitted if the competition has not taken place or until the results of the competition have become effective, and during this period the specialized institutions shall operate on the basis of a contract with the sectoral organization or on the basis of a collective agreement with the interested parties in the audiovisual industry.

~~(3) This contest shall be organised on the basis of a regulation drawn up and approved by the Audiovisual Council, which shall ensure an open and transparent procurement process in accordance with international standards and practices in the field.~~

3¹) Specialized institutions must ensure that their audience measurement systems and the methodology used by their audience measurement systems comply with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination, comparability and verifiability.

(4) Service contracts with selected specialised institutions shall oblige the specialised institutions to provide the Audiovisual Council with the results of the measurements made pursuant to this Article on a quarterly basis.

Chapter IV PUBLIC MEDIA SERVICE PROVIDERS

Article 31. Mission of public media service providers

1) Public media service providers are in the service of the public, operate on the public's contribution, are subject to public control and have the mission to achieve the following principles in practice:

- (a) ensuring universal access for the population to a variety of generalist and thematic, linear and non-linear audiovisual media services, including via new communication platforms, meeting the information, educational and leisure needs of all social user groups;
- b) to promote, through editorial policy, social cohesion at local, regional, national and international level, and to encourage a sense of shared responsibility among the population for achieving this principle;
- c) promotion of audiovisual pluralism;
- d) fair, objective, comprehensive and impartial information through innovative and varied audiovisual programmes that meet high quality and ethical standards;
- e) promoting pluralistic public debate and encouraging broad democratic participation by the public;
- f) promoting the diversity of national, European and international cultural heritage;
- g) ensuring editorial independence and institutional autonomy from public authorities and institutions, political parties and interest groups;
- h) taking responsibility towards the public.

2) The State ensures that public service media service providers have adequate, sustainable and predictable financial resources to fulfill their public service mission. The State ensures that those financial resources are such that the editorial independence of public media service providers is protected.

Article 32. Legal status of public media service providers

(1) In the Republic of Moldova it works:

- a) the national public provider of media services - "Teleradio-Moldova" Company;
- b) the regional public media service provider - "Gagauziya Radio Television" Company.

(2) "Teleradio-Moldova" Company and "Gagauziya Radio Television" Company are legal persons of public law, established as public institutions.

(3) The national public media service provider "Teleradio-Moldova" Company is founded by the Parliament and operates under its control in accordance with the provisions of this Code.

(4) The regional public media service provider "Gagauziya Radio Televizionu" Company is founded by the People's Assembly of Gagauzia and operates in accordance with the provisions of this Code and local normative acts.

Article 33. Object of activity of public media service providers

(1) Public media service providers have as their object of activity:

- a) the broadcasting of audiovisual news, information, educational, cultural, sports and entertainment programmes, linear and non-linear, intended for different categories of audience, produced in Romanian, as well as in the languages of national minorities or in other languages of international circulation;
- b) offering personalised interactive services, involving the younger generation in active forms of communication, encouraging the provision of user-generated content, setting up other participatory systems;
- (c) ensuring the presence in audiovisual programmes of representatives of all communities, social groups and generations, including minority groups, young people, older people, disadvantaged social groups and people with disabilities, respecting their identities and responding to their information needs;

- d) broadcasting of local audiovisual programmes made with respect for the principle of gender equality;
- (e) production of audiovisual programmes produced by itself or in cooperation with internal or external partners and acquisition of audiovisual programmes;
- (f) the provision of audiovisual media services via owned or leased electronic communications networks;
- g) the development of new communication platforms and services in the digital environment, including through the use of interactive technologies;
- h) organizing concerts, festivals and shows with public participation, contests, games of wits or random games, concluding contracts with artists and impresarios from the country and abroad, offering fees and making receipts, in accordance with the law;
- i) carrying out foreign trade operations with audiovisual production and payments in lei and foreign currency, under the conditions of the law;
- j) conclude, upon request and where appropriate, agreements with similar institutions abroad for the production, co-production, exchange, export and import of films and/or audiovisual programmes for their own audiovisual media services or for their broadcasting and sale abroad;
- k) representation in relations with international specialist bodies and the establishment of collaborative relations with television and broadcasting organisations in other countries;
- l) preservation and archiving of audiovisual recordings and documents of national heritage interest;
- m) management of artistic collectives (musical, theatrical, etc.);
- n) other activities provided for in this Code and in the Regulations on the organisation and functioning of the public media service provider.

(2) Public media service providers shall not constitute the object of activity:

- a) audiovisual media services or audiovisual programmes in Romanian and other languages, addressed to viewers and listeners abroad, to promote the image of the Republic of Moldova and its internal and external policies;
- b) audiovisual co-productions with public authorities.

(3) The activity of the national public media service provider "Teleradio-Moldova" Company is regulated by this Code, by the legislation in force and by the acts issued by the Audiovisual Council.

(4) The activity of the regional public media service provider "Gagauziya Radio Television" Company is regulated by this Code, by the normative acts of the People's Assembly of Gagauzia, which do not contradict the Constitution and the legislation of the Republic of Moldova.

Article 34. Editorial independence of public media service providers ~~Editorial independence of public media service providers~~

(1) The editorial independence and institutional autonomy of public media service providers is guaranteed by law.

Interference by public authorities, parties and other socio-political organisations, trade unions, commercial and economic organisations or interest groups is prohibited.

(2) The application of the rules established by the Audiovisual Council under the conditions of this Code shall not constitute interference in the activity of public media service providers.

(3) **Editorial independence, institutional autonomy and creative freedom include the exclusive right of the management body of the public media service provider to adopt, within the limits set by this Code, decisions on.** ~~Editorial independence and creative freedom shall include the exclusive right of the management body and the supervisory body of the public media service provider to adopt, within the limits set by this Code, decisions on:~~

- a) determining editorial policy, approving and modifying the content of audiovisual media services and the broadcasting schedule;
- b) **organization of institutional, editorial and creative activity** ~~organisation of editorial and creative activity;~~
- c) the conception, production and broadcasting of audiovisual programmes;
- d) other activities established by this Code and/or by the body supervising the activity of the public media service provider.

(4) The **administration management** and supervisory bodies of the public media service provider are obliged to ensure editorial independence, institutional autonomy and creative freedom of employees within the institution.

(5) The **administration management** and supervisory bodies of the public media service provider are obliged to publicly declare any external influence that may limit editorial independence.

Article 35. Duties of public media service providers

1) The tasks of public media service providers are:

a) to provide audiovisual programmes, including news, about the realities in the country and in the world, aimed at ensuring accurate, impartial, objective information of the public, respecting political balance, gender equality, freedom of expression, creativity and conscience;

b) serving as a forum for debate, involving the general public, or as a platform for disseminating democratic values, including the use of new interactive technologies;

c) encouraging public participation in public life, in particular in elections and in the decision-making process, and stimulating public interest in public affairs;

d) stimulating creativity and reflecting the diversity of cultural activities; contributing to the formation of the knowledge-based society;

e) promoting digital inclusion and bridging the digital divide, including by increasing the accessibility of own audiovisual programmes on new communication platforms;

f) the provision of messages of public interest in accordance with the legislation in force and its own regulations;

g) contributing to the preservation of cultural heritage through the development and digitisation of audiovisual archives, with the possibility of online access;

h) ensuring a functional internal organisational structure and a fair system of remuneration for work, based on incentives for professional performance and economic efficiency;

i) hiring qualified staff, taking into account the diversity of society and gender equality; organising professional development of staff, at least once every 5 years, within its own continuous training centre or by contracting appropriate services;

(j) ensuring the functionality of networks of correspondents and/or correspondents' offices, in the country and/or abroad, in order to complete and diversify the content of audiovisual media services;

k) ensuring transparency of its own activity, including through annual public reporting on compliance with the commitments set out in the **national** public media service provider's specifications;

l) to publicise its own catalogue of non-linear audiovisual media services available to the public;

m) setting prices and tariffs for the services it provides;

n) **annual presentation of the activity report to the founders** ~~annual submission of the activity report to the supervisory body;~~

o) developing the Ombudsman's own media service;

p) cooperation between public media service providers as well as with similar institutions abroad in order to properly fulfil the mission.

(2) **For the purpose of better and more complex information of the target audience in certain geographical areas, public media service providers may establish territorial, district and/or regional branches, studios, in order to produce audiovisual content of local/regional interest and to broadcast it within audiovisual media services, separate from the main audiovisual media services.**

Chapter V THE NATIONAL PUBLIC MEDIA SERVICE PROVIDER

Article 36. Operation of the national public media service provider

(1) The operation of the national public media service provider shall be ensured by its Management Committee, headed by the Director-General.

(2) The activity of the national public media service provider shall be supervised by its Supervisory and Development Board.

(3) The general director of the national public media service provider (hereinafter - the general manager) is appointed by the Supervisory Board of the national public media service provider (hereinafter - the Supervisory Board) through a public competition. For the purpose of organizing the competition, the Supervisory Board draws up and approves a regulation laying down the conditions, selection criteria and purpose of the competition. The rules contains at least the following selection criteria:

- a) relevant higher education;
- b) in-depth knowledge of the field;
- c) managerial experience of at least 5 years;
- d) knowledge of national and European audiovisual and related legislation;
- (e) knowledge of a language of international circulation (English/French);
- f) no political affiliation in the last two years.

~~The Director General of the national public media service provider (hereinafter - *Director General*) shall be appointed by the Parliament on the proposal of the Supervisory and Development Board of the national public media service provider (hereinafter - *Supervisory and Development Board*).~~

(3₁) The Director General is appointed by decision of the Board of Supervisors. If it has not been possible to appoint the Director General, the Board of Supervisors shall repeat the competition provided for in paragraph (3) within 30 days from the date on which it is established that it has not been possible to appoint a new Director General. ~~The Director General shall be appointed by resolution of Parliament. In the event of rejection by Parliament of the proposed candidate, the Supervisory and Development Board shall propose another candidate within 15 days of the day of rejection.~~

(4) The numerical and nominal composition of the Management Committee of the national public media service provider (hereinafter - *Management Committee*) shall be approved by the Director General.

(5) The Management Committee shall be ex officio:

- (a) the Director-General, who shall also act as its Chairman;
- b) Deputy Directors-General;
- c) managers of audiovisual media services;
- d) managers of common services.

(6) The members of the Management Committee shall hold fixed-term mandates, which shall expire with the expiry of the term of office of the Managing Director.

Article 37. Director-General

(1) ~~The Director General is appointed for a term of 5 years, renewable once. The Director General shall be appointed for a non-renewable term of 7 years.~~

(2) The Director-General shall have the following tasks:

- a) ensure the day-to-day management of the national public media service provider;
- b) order, control and be responsible for the execution of the decisions of the Supervisory and Development Board and the execution of the obligations undertaken by the national public media service provider;
- c) approves, upon proposal of the Management Committee, regulations, rules and instructions appropriate for the functioning of the national public media service provider;
- (d) appoint, for a fixed term valid until the expiry of the Director-General's term of office, at least two Deputy Directors-General, one of whom shall be responsible for radio broadcasting services and the other for television services;
- e) appoints and dismisses the members of the Management Committee, in accordance with the law;
- (f) draw up the draft agenda and chair the meetings of the Management Committee;
- g) ensure, together with the Management Committee, the elaboration of the draft specifications of the national public media service provider and the implementation of its provisions;
- h) manages the budget of the national public media service provider;
- (i) temporarily delegate its powers and responsibilities to a member of the Management Committee in the event of its absence for good cause;
- j) sign, on behalf of the national public media service provider, contracts and agreements;

- k) ensure the transparency of the activity of the national public media service provider;
- l) exercise other duties assigned to it by law.
- (3) The Director-General shall approve the hiring and dismissal of staff and appoint, on the basis of a competition, the heads of the structural units directly subordinate to him.
- (4) The Director General shall determine and approve the numerical and nominal composition of the Representative Qualification Board responsible for appointing by competition the heads of the directly subordinate structural units. The Qualification Board shall operate in accordance with its own rules of procedure, approved by the Supervisory and Development Board and the Management Committee and endorsed by the Director-General. The work of the members of the Qualification Council who are not employees of the national public media service provider shall be remunerated in the amount established in the Qualification Council's regulations.
- (5) The Director General approves, under the conditions of the law, the employment of specialists for a fixed period, in order to carry out the studies, works, expertise and opinions necessary for the fulfilment of the mission of the national public media service provider.
- (6) The Director-General shall approve the participation and mandate of delegations to national or international meetings, business meetings or fact-finding visits for the national public media service provider.
- (7) The Director General shall represent the national public media service provider in relations with public authorities, organizations and institutions in the Republic of Moldova and abroad.
- (8) The monthly salary of the Director General shall be set at 5 average monthly salaries of the staff of the national public media service provider, calculated annually in accordance with the size of the indexed average salaries of all employees.
- (9) The office of Director-General is incompatible with:
- (a) any other public or private function, except for scientific and/or teaching functions, if this does not entail a conflict of interest in relation to the national public media service provider;
 - b) membership of a management body, partner, participant or shareholder of a media service provider, media service provider, independent media service producer, private supplier of specialist technical equipment and machinery, provider of specialist technical services and/or an advertising agency;
 - c) membership of a political party and/or political affiliation;
 - (d) authorship and/or co-authorship of audiovisual programmes made and broadcast during the term of office in the audiovisual media services of the public media service provider and of other media service providers, whether or not such authorship involves remuneration.
- (10) The Director-General shall be removed from office by **Supervisory Board Parliament** in the following cases:
- (a) on their own initiative, on the basis of the application submitted;
 - ~~(b) following a finding of improper performance or non-performance of his duties;~~
 - ~~c) in other cases provided for by law.~~
 - d) conviction by final court decision;
 - e) loss of citizenship of the Republic of Moldova;
 - f) the establishment of a judicial protection measure by a final court decision.
- (11) - ~~repealed.~~
- (12) **The Director General shall exercise his mandate until the appointment of a successor, but not more than 6 months from the vacancy occurring. The Director-General shall remain in office until a successor is appointed.**
- (13) The Deputy Directors-General shall serve until the appointment of the new Director-General.

Article 38. Management Committee

- (1) The Management Committee shall operate in accordance with its own rules of organisation and operation, drawn up on the proposal of the Managing Director and approved by the Supervisory and Development Board.
- (2) The Management Committee, in relation to the Director General, shall have the status of an advisory body.
- (3) The Management Committee shall have the following tasks:

- (a) contribute to the execution of the decisions of the Managing Director and the Supervisory and Development Board;
- (b) prepare draft documents for approval by the Director-General;
- (c) provide advisory opinions on draft decisions, provisions, regulations and instructions, subject to approval by the Director-General;
- d) provide advisory opinions on documents that are subject to approval by the Supervisory and Development Board at its request;
- (e) exercise other duties incumbent on it under the provisions of this Code and of the rules of organisation and operation.

Article 39. Specifications of the national public media service provider

(1) The national public media service provider's specifications (hereinafter - *Specifications*) contain:

- a) the list of linear and non-linear audiovisual media services proposed for provision;
- b) the editorial policy statement for each audiovisual media service;
- c) the financing plan.

(1¹) Depending on the needs, as the case may be, the specifications may contain, in addition to the documents listed in paragraph (1), the plan of the development, equipment and modernization projects.

(2) The specifications are the basis for:

- a) approval of the budget of the national public media service provider;
- b) monitoring and supervising the fulfilment of the mission of the national public media service provider;
- c) the exercise of public control over the activity of the national public media service provider.

(3) The editorial policy statement shall be developed in accordance with the mission of the national public media service provider and shall set out the main objectives, the activities by which each objective will be achieved and the reasons for them.

(4) The financing plan shall contain:

- a) the general budget of the national public media service provider;
- (b) the detailed budget of each audiovisual media service.

c) the budget for development projects, as appropriate.

(5) The draft Terms of Reference shall be drawn up on the initiative of the Managing Director, endorsed by the Management Committee and submitted to the Supervisory and Development Board for approval.

(6) The specifications, approved by the Supervisory and Development Board, shall be submitted by the Director General for information to the relevant parliamentary committee within the time limit laid down by the legislation in force.

(7) The content of the Terms of Reference may be amended by the Supervisory and Development Board on the initiative of the Managing Director with the opinion of the Management Committee.

Article 40. Ownership of the national public media service provider

(1) The national public media service provider owns, uses and disposes of assets under its ownership, including buildings, premises and land, in accordance with the legislation in force.

(2) The national public media service provider may purchase goods necessary for the performance of its tasks, as provided by law.

(3) The national public media service provider may acquire and dispose of real estate with the prior consent of the Supervisory and Development Board and the consent of the founder.

Article 41. Budget of the national public media service provider

(1) The budget of the national public media service provider is made up of subsidies from the state budget and own revenues.

(2) The subsidies from the state budget shall be determined annually by the state budget law and shall represent the volume of subsidies from the state budget for the previous year, indexed to the consumer price index of the last fully executed budget year.

(3) The own revenues of the national public media service provider shall be derived, as appropriate, from:

- (a) amounts received from audiovisual commercial communications broadcast during events of major importance;
- b) amounts received from the realisation of the object of activity, including income from the sale of audiovisual programmes or royalties from co-productions;
- c) donations and sponsorships;
- d) other legal sources.

(3¹) The national public media service provider may, under the conditions of the law, carry out, in addition to public service activities, commercial activities to a limited extent, but the operations in the field of commercial activities must be organized separately from the public service.

(3²) Funds from the state budget, as well as revenues from the provision of public services may be used only for the provision of the public service stipulated in this Law.

(3³) Proceeds from commercial activities may be used to co-finance public services or to maintain and expand commercial activities, but only in the areas provided for in this Code.

(3⁴) Income and expenditure derived from the provision of public service and income and expenditure derived from commercial activities shall be kept in two separate accounts.

(3⁵) The business activities of the national public media service provider are:

- a) commercialization of advertising time and commercialization of programs;
- b) technical and telecommunications services not forming part of the public service;
- c) rental of broadcasting infrastructure and other real estate;
- d) publishing activities and concerts;
- (e) software services, including interactive software services;
- f) commercial use of archival materials.

(4) The report on the execution of the budget of the national public media service provider shall be submitted annually by the Director General and endorsed by the Management Committee and the Supervisory and Development Board and shall be made public on the official website of the provider.

(5) The report on the execution of the budget of the national public media service provider shall be submitted together with the annual activity report to the Parliament by the Director General.

(6) The financial activity of the national public media service provider shall be audited by the Court of Auditors in accordance with the legislation in force.

(7) The use of the funds of the national public media service provider is subject to control by the bodies authorized by law, according to the origin of those funds.

Article 42. Supervisory and Development Board

(1) The Supervisory and Development Board shall operate on the basis of its own rules of organisation and operation, approved by it.

(2) The Supervisory and Development Board represents a diversity of views within the company.

(3) The Supervisory and Development Board shall represent the public interest in relation to public institutions and the national public media service provider.

(4) The Supervisory and Development Board shall act in its own name, contribute to the building and development of the national public media service provider in accordance with the principles stipulated in Chapter II.

Article 43. Composition of the Supervisory ~~and Development~~ Board

(1) The Supervisory and Development Board shall consist of ~~9~~ 7 members, who shall be of integrity and have professional qualifications in the fields of journalism, media, culture, cinema, law, public relations, international relations, financial and business management, information and communication technology, engineering and academic activity. The principle of gender equality will be respected when constituting the Supervisory and Development Board.

(2) A person who meets the following requirements may apply for the position of member of the Supervisory and Development Board:

- a) holds citizenship of the Republic of Moldova;

(b) holds a bachelor's degree or equivalent and has at least five years' experience in one of the fields referred to in paragraph (1);

(b)¹) be familiar with the regulatory field of public audiovisual media service providers, including relevant national and European legislation;

c) knows Romanian and an international language;

d) has no party membership and/or political affiliation for the last two years ~~is not a party member and/or politically affiliated;~~

e) has an impeccable professional reputation, confirmed by at least two letters of recommendation;

f) has no criminal record;

g) is not prohibited from holding a public office or a position of public dignity by a finding of the National Integrity Authority.

(3) The Supervisory and Development Board shall consist of:

a) ~~4 members elected by the Audiovisual Council 3 members proposed by the parliamentary factions, respecting the proportional representation of the majority and the parliamentary opposition;~~

(b) ~~5 members elected by the Press Council four members proposed by civil society organisations representative of the areas referred to in paragraph (1).~~

~~(4) Candidates for membership of the Supervisory and Development Board shall be proposed to the relevant parliamentary committee, which shall hear and approve or reject the candidates for membership of the Supervisory and Development Board by reasoned decision. After the selection of the candidates, the relevant parliamentary committee shall submit a report to the plenary session of Parliament and the Parliamentary Committee on Legal Affairs, Appointments and Immunities shall submit a report on the fulfilment of the requirements laid down in this Article.~~

(4¹) The members of the Supervisory Board are selected by the Audiovisual Council and the Press Council, through public competitions, according to the following procedure:

a) 60 days before the expiration of the mandates of the members of the Supervisory Board, the Chairperson of the Supervisory Board shall notify the Audiovisual Council and the Press Council;

b) The Audiovisual Council and the Press Council shall, within 5 working days of notification, issue a public invitation to participate in the competition for candidates for the positions of members of the Supervisory Board, publicizing the criteria for filling the positions and the deadline for submission of applications;

c) Within 10 days of the deadline for submission of applications, the Audiovisual Council and the Press Council conduct the selection competitions;

d) within 5 days from the date of the competition, the Press Council sends the list of selected candidates to the Audiovisual Council.

(4²) The members of the Supervisory Board are appointed by the Audiovisual Council in a public meeting, by a two-thirds vote of its members.

(4³) If the required number of persons for the full composition of the Supervisory Board has not been selected in the competition, the Audiovisual Council and/or the Press Council shall repeat the appointment procedure provided for in paragraph (4¹) after 5 days from the establishment of the vacancies resulting from the competition.

(5) The members of the Supervisory Board are appointed by decision of the Audiovisual Council for a term of 6 years, renewable once. ~~The members of the Supervisory and Development Board shall be appointed, by decision of Parliament, for a single term of six years.~~

(6) In the event of early vacancy, a new member of the Supervisory and Development Board shall be appointed for the remainder of the term of office ~~on the proposal of the same entity.~~

(7) The members of the Supervisory and Development Board shall serve until new members are appointed. Terms of office may not be extended for a period exceeding 6 months.

Article 44. Incompatibilities of membership of the Supervisory ~~and Development~~ Board

(1) The function of member of the Supervisory and Development Board is incompatible with:

a) the status of Member of Parliament, member of the Government, local elected representative, member of the central or local public administration or employee thereof, as well as member of the Audiovisual Council;

- b) direct or indirect holding of shares or parts of the statutory capital of companies with activities in areas in which they would be in conflict of interest with their membership of the Supervisory and Development Board;
 - c) the status of employee of the national public media service provider, with the exceptions provided for in Article 47 para.(1);
 - d) the status of author, presenter, moderator, producer (owner or non-owner) of audiovisual programmes of the public media service provider;
 - e) membership of a political party or political affiliation.
- (2) A member of the Supervisory and Development Board who, at the date of appointment, is in one of the situations referred to in paragraph (1)(a) to (d) shall have a period of 30 days in which to relinquish that capacity or those shares, during which period he or she shall not be entitled to vote in the Supervisory and Development Board.
- (3) A member of the Supervisory and Development Board who fails to comply with the provisions of this Article shall be automatically dismissed and his office shall become vacant.

Article 45. Tasks of the Supervisory ~~and Development~~ Board

The Supervisory and Development Board has the following tasks:

- a) approve the statute of the national public media service provider and its amendments;
- b) approves the rules of organisation and functioning of the national public media service provider and its amendments;
- c) approve its own rules of organisation and functioning and amendments thereto;
- d) approves the Specifications;
- ~~(e) propose to Parliament for appointment the candidate for the post of Director-General under this Code;~~
- ~~(f) propose to Parliament the dismissal of the Director-General in the event of a finding of improper performance or non-performance of his/her duties;~~
- g) approves medium and long-term development strategies of the national public media service provider;
- h) approves the editorial policy statement of the national public media service provider in electoral campaigns;
- i) supervise the activity of the national public media service provider for the purpose of implementing the specifications and, where appropriate, intervene with regulatory decisions;
- j) approve the maximum ceiling of bank loans that the General Manager may request without the approval of the Supervisory and Development Board;
- k) approves the proposals to amend the budget of the national public media service provider;
- l) keep the register of public addresses, examine petitions and complaints received from the public and, where appropriate, prescribe binding measures to the Director-General to remedy the situation;
- ~~(m) submits the annual activity report to the Audiovisual Council by March 31 of the year following the year of management~~ ~~submit to Parliament the annual activity report by 1 February of the year following the year of management;~~
- n) ensure the transparency of its own activities;
- o) exercise other duties assigned to it by law and by the rules of organisation and operation.

Article 46. Work of the Supervisory ~~and Development~~ Board

- (1) The Supervisory and Development Board shall conduct its business in meetings, as a rule in public, convened on the initiative of the Chairman, of at least three of its members or at the request of the Director-General. The Supervisory and Development Board shall be convened whenever necessary, but not less frequently than once a month.
- (2) The Supervisory and Development Board shall elect its chairman and secretary by a vote of ~~6~~ ~~5~~ members of the Board. The meeting at which the chairman and the secretary of the Supervisory and Development Board are elected shall be chaired by the oldest member of the Board.
- (3) The Chairman of the Supervisory and Development Board shall be responsible for the exercise of the powers of the Supervisory and Development Board.

(4) The Secretary of the Supervisory and Development Board shall be responsible for the organisation of meetings and secretarial work.

(5) Chairman of the Supervisory and Development Board:

(a) draw up agendas for meetings and chair meetings;

(b) sign decisions and ensure their publication;

(c) draw up the annual activity report ~~and, after its approval by the Supervisory and Development Board, submit it to Parliament;~~

d) represent the Supervisory and Development Board in relations with public institutions and natural and legal persons;

e) represent the Supervisory and Development Board in national and international organisations in matters relating to the supervision of public media service providers.

(6) In the absence of the Chairman, the work of the Supervisory and Development Board shall be conducted by the Secretary, and working meetings shall be chaired by the Chairman of the meeting, elected by the Board by an open vote of a majority of the members present.

(7) In the event of a vacancy in the office of Chairman or Secretary, an election shall be held in accordance with this Article.

(8) The vacancy of the office of member of the Supervisory and Development Board may occur in case of:

a) resignation;

(b) death;

c) expiry of the mandate;

d) conviction by final court decision;

e) consecutive and unexcused absence from 7 meetings of the Board for 12 months;

f) the establishment of a legal protection measure, in accordance with the law;

(g) the finding, as a result of parliamentary scrutiny carried out in accordance with the law, of defective activity, improper performance or non-performance of its duties.

~~(9) At least 60 days before the expiry of the term of office and within 7 days of the automatic occurrence of a vacancy in the office of member, established under the conditions specified in paragraph (8) of this Article and in Article 44, the Chairperson of the Supervisory and Development Board shall submit a notification to the relevant parliamentary committee.~~

(10) The Chairman and the Secretary may be dismissed, in case of loss of confidence of the Supervisory and Development Board, by a vote of at least 6 5 members of the Supervisory and Development Board.

(11) In the event of resignation or dismissal in accordance with paragraph (10), the Chairman and the Secretary shall remain members of the Supervisory and Development Board.

(12) In exercising its powers, the Supervisory and Development Board shall adopt decisions of a regulatory nature, which shall enter into force on the date of their publication.

(13) All decisions of the Supervisory and Development Board shall be reasoned and shall be published on the official website of the national public media service provider.

Article 47. Remuneration of members of the Supervisory and Development Board

(1) The chairman and the secretary of the Supervisory and Development Board shall be employees of the national public media service provider with normal working hours.

(2) The size of the monthly salary of the Chairman of the Supervisory and Development Board shall be equivalent to 90% of the size of the monthly salary of the Chairman of the Audiovisual Council.

The size of the monthly salary of the Secretary of the Supervisory and Development Board constitutes 90% of the size of the monthly salary of the Chairman of the Supervisory and Development Board. The other members of the Supervisory and Development Board shall receive a monthly allowance representing 10% of the monthly salary of the Chairman of the Supervisory and Development Board for attending each meeting and, where appropriate, shall be reimbursed for travel and accommodation expenses.

(3) The financial sources necessary for the activity of the Supervisory and Development Council shall be provided for in the budget of the national public media service provider.

Article 48. Responsibility of the Supervisory ~~and Development~~ Board

(1) The Supervisory Board is responsible for submitting the annual activity report to the Audiovisual Council and the Parliament. Copies of the annual activity report are submitted to the Ministry of Culture, as the authority responsible for media policy, and to the Press Council. ~~The Supervisory and Development Board shall be responsible for submitting the annual activity report to Parliament.~~

(2) The annual activity report of the Supervisory and Development Board shall consist of two parts, which shall include the activity of the national public media service provider and the activity of the Supervisory and Development Board respectively. ~~This report shall be presented and debated in public and submitted to the Parliament by 1 February of the following year.~~

~~(3) Rejection by Parliament of the annual activity report shall entail the automatic dismissal of the members of the Supervisory and Development Board.~~

~~(4) Notwithstanding the provisions of paragraph (3), the member of the Supervisory and Development Board appointed in the year of submission of the activity report may not be dismissed.~~

Chapter VI**COMMUNITY RADIO BROADCASTING SERVICE PROVIDERS****Article 49.** Establishment of Community radio broadcasting service providers

(1) Community radio broadcasting service providers (hereinafter - *community provider*) shall be established and managed by the community, shall operate for the community and shall be financed by contributions from members of the community.

(2) For the purposes of this Code, community means social groups united on the basis of territory and/or common interests, excluding political, religious and trade union interests.

(3) Community suppliers are non-commercial legal persons.

(4) Community suppliers are natural and/or legal persons, according to the following procedure:

- a) the initiative group convenes a general representative meeting of the community;
 - b) the organisation and functioning of the Community supplier shall be decided at that meeting.
- (5) Community providers shall enjoy the privileges provided for public benefit institutions.

Article 50. Operation of the Community supplier

(1) The community service provider shall observe the principles of audiovisual communication laid down in this Code.

(2) The Community supplier may use:

- a) frequencies and/or channels, under the broadcasting licence obtained in accordance with the provisions of this Code;
- b) broadcasting spaces on frequencies and channels belonging to other media service providers and/or media service distributors.

(3) The Community provider may use broadcasting space on frequencies and channels belonging to other media service providers on the basis of an agreement signed between the parties and approved by the Audiovisual Council.

(4) The broadcasting licence shall be granted to the Community supplier for a period of 9 years and may not be transferred.

(5) The Community provider shall submit to the Audiovisual Council the annual activity report.

(6) The Community provider shall be included in the appropriate section of the Register of Media Service Providers kept by the Audiovisual Council.

Article 51. Financing of the Community supplier

(1) The budget of the Community supplier shall consist of:

- a) contributions from members of the community;
- b) revenue from the provision of specialised services in the interest of the community on a contractual basis;
- c) donations, sponsorships and grants.

(2) The budget of the community provider shall be made public by placing it on the website or by a public report.

(3) The implementation of the budget of the community provider shall be supervised and controlled in the manner determined by the representative general meeting of the community.

Article 52. Suspension and termination of the activity of the Community supplier

(1) The suspension of the activity of the community provider shall be decided by the general representative meeting of the community. In the case of use of terrestrial frequencies under the broadcasting licence, the suspension may not last more than 6 months from the date on which the decision was taken.

(2) The termination of the activity of the community provider shall be decided by the representative general meeting of the community.

(3) The Audiovisual Council shall be notified of the decision to suspend or terminate the activity of the Community provider within 10 working days from the date of the decision.

Chapter VII DISTRIBUTORS OF MEDIA SERVICES

Article 53. Operation of media service distributors

(1) Distributors of media services shall be established by natural and/or legal persons ~~in the form of companies.~~

(2) Distributors of media services may not have a beneficial ownership:

h) a party or other socio-political organisation;

(i) a trade union;

j) a religious cult.

(3) Media service distributors shall operate under the retransmission licence.

Article 54. Authorisation for retransmission

(1) The procedure for issuing, amending and revoking the retransmission authorisation shall be determined by the Audiovisual Council in accordance with the provisions of this Code.

(2) In order to obtain a broadcasting licence, the applicant shall submit an application to the Audiovisual Council together with the following documents:

a) the list of audiovisual media services intended for retransmission;

b) copies of the prior agreements, existing at the date of the request, concluded with the audiovisual media service providers intended for retransmission or their legal representatives;

c) the list of the applicant's beneficiary owners.

d) a sworn statement by the beneficial owners of the legal entity, holding more than 20% of the share capital or voting rights of the retransmission licensee, declaring whether they are founders or investors, directly or indirectly, in other media service distributors or media service providers, specifying the percentage of their share capital.

(3) Within 30 days from the date of submission of the application, the Audiovisual Council shall issue or refuse the broadcasting licence by means of a reasoned decision, which shall be published on the Council's official website.

(4) The retransmission authorisation shall be issued without competition for a period of 10 years and shall contain:

(a) the number and date of issue;

b) the name of the legal entity, tax code, registered office and correspondence address of the retransmission authorisation holder;

c) the name of the media service distributor;

d) the list of audiovisual media services retransmitted;

(e) the places where the audiovisual media service offers are to be made available to the public;

(f) the electronic communications network used;

g) the commitment of the media service distributor to comply with the provisions of this Code and the acts approved by the Audiovisual Council;

h) an undertaking by the media service distributor to provide the Audiovisual Council with the requested information on the exercise of the distributor's powers.

(5) The media service distributor is entitled to apply for a new retransmission authorisation in advance within the last 6 months of validity of the previous retransmission authorisation.

(6) The fees charged for the issue and, where applicable, the amendment of the retransmission authorisation shall be determined by law.

(7) The retransmission authorisation shall be withdrawn if the media service distributor has repeatedly infringed the provisions of Article 11(2) and Article 17 after the sanctions provided for in Article 84(9) and (10) have been gradually applied.

Article 55. Provision of retransmitted audiovisual media services

(1) The offer of retransmitted audiovisual media services shall be approved by the Audiovisual Council within 15 working days from the date of registration of the application of the retransmission authorisation holder.

(2) The media service distributor is obliged to include in the audiovisual media service offer:

(a) television services of the national public media service provider;

b) at least 35%, with a gradual increase to 50% over the next 5 years, of free-to-air television services of media service providers under the jurisdiction of the Republic of Moldova, including must-carry television services;

c) television services distributed under international agreements to which the Republic of Moldova is a party.

(3) The offer of audiovisual media services shall meet the following requirements:

a) Romanian-language television services and television services with subtitling/dubbing in Romanian shall constitute at least 35% of the total number of services distributed over the respective network, with a gradual increase to 50% over the next 3 years;

(b) television services originating in the Member States of the European Union, the United States of America, Canada and third countries which have ratified the European Convention on Transfrontier Television shall constitute at least 50% of the total number of television services distributed over that network.

[Art.55 (3) (b) amended by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

c) television services outside the jurisdiction of the Republic of Moldova shall not contain advertising and teleshopping which are specifically and with some regularity addressed to the public in the Republic of Moldova.

[Art.55 para.(3), let.c) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

(4) The media service distributor shall be entitled to modify the approved service offer, without the consent of the Audiovisual Council, up to 10% of the total number of television services distributed through the respective network, subject to the conditions set out in paragraphs (2) and (3).

(5) At the request of media service providers, media service distributors are obliged, at regional and local level, to include in their offer of retransmitted audiovisual media services at least one of the regional and local television services free for retransmission in the localities or, where applicable, the territory in which those services exist.

(6) In localities where an ethnic minority represents at least 25% of the population, media service distributors shall provide at least one free-to-air audiovisual media service in the language of that minority.

(7) The media service distributor shall ensure a relative balance in the structure of the audiovisual media service offer between the number of informative, educational and entertainment audiovisual media services.

(8) The media service distributor shall notify the Audiovisual Council of the availability of the audiovisual media service offer to the public at least 72 hours in advance.

(9) Free-to-air television services, including must-carry television services, shall be made available free of charge to the media service distributor by media service providers under the jurisdiction of the Republic of Moldova and shall be retransmitted free of charge by media service distributors.

(10) The media service distributor is obliged to give priority to the generalist television service of the national public media service provider in the automatic preselection list of the television services retransmitted via the network of that distributor. Any interference in the method of positioning television services in the offer of retransmitted audiovisual media services is prohibited.

(11) Where the media service providers referred to in paragraph (2) let. (b) change their initial location for the delivery and reception of the signal of the television services provided, the media service distributor shall be entitled to claim compensation from those providers for the reasonable costs necessary to ensure the reception of the signal.

(12) It is prohibited to include in the offer of retransmitted audiovisual media services audiovisual media services outside the jurisdiction of the Republic of Moldova, which contain advertising and teleshopping specifically and with some regularity addressed to the public in the Republic of Moldova.

[Art.55 para.(12) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.2

Article 56. Annual activity report of the media service distributor ~~Annual report of the media service distributor~~

Distributors of media services are obliged to submit the annual activity report in electronic form through the electronic service available on the official website of the Audiovisual Council, in accordance with the approved template, by March 31, containing:

- a) the localities or, where applicable, the territory in which the retransmitted audiovisual media service offerings are distributed;
- b) the identification data of the beneficial owners of the legal entity, which is the holder of the retransmission authorization, and the amount of their shareholding;
- c) other information requested, in accordance with the model report approved by the Audiovisual Council.

~~By 1 February of the year following the reporting year, the media service distributor shall submit to the Audiovisual Council an annual report containing:~~

- ~~(a) the localities or, where applicable, the territory in which the retransmitted audiovisual media services are distributed;~~
- ~~(b) the list of audiovisual media services included in the audiovisual media service offers retransmitted;~~
- ~~c) the identification details of the beneficial owners of the legal entity, which is the holder of the retransmission authorisation, and the value of their shareholding;~~
- ~~d) affidavits from the persons indicated in c) above, who hold more than 20% of the share capital or voting rights of the retransmission licensee, declaring whether they are founders or investors, directly or indirectly, in other media service distributors or media service providers, specifying the percentage of their share capital held;~~
- ~~e) other information requested, in accordance with the model report approved by the Audiovisual Council.~~

Chapter VIII NON-LINEAR AUDIOVISUAL MEDIA SERVICES

Article 57. Organisation of non-linear audiovisual media services

(1) The non-linear audiovisual media service must cumulatively meet the following requirements:

- (a) provide audiovisual programmes comparable to those normally provided by television services;
- b) audiovisual programmes are intended for the general public;
- c) audiovisual programmes are included in a programme catalogue;
- (d) access to audiovisual programmes shall be on request;
- e) editorial responsibility for the content of audiovisual programmes shall lie with a natural or legal person under the jurisdiction of the Republic of Moldova.

(2) Non-linear audiovisual media services shall consist of the following types of services:

a) *video on demand* - a non-linear audiovisual media service (free and/or paid) that provides the user with access, on individual request and at the time of the user's choice, to the viewing of films, videos, performances (live or recorded), and other types of video material gathered in a programme catalogue;

(b) *video on replay* - a non-linear audiovisual media service which offers the user, for a limited period of time, access to replay, at the individual request and at the time of the user's choice, of audiovisual programmes previously broadcast on a television service.

Article 58. Notification requirements for the provision of non-linear audiovisual media services

(1) A person who intends to provide non-linear audiovisual media services shall notify the Audiovisual Council of this intention at least 7 working days before the start of the activity.

(2) For the purpose of notification, the applicant shall submit a declaration, a model of which can be accessed on the official website of the Audiovisual Council, containing at least the following data:

(a) name/name of the applicant;

b) the name of the applicant's legal representative;

c) the correspondence address and the legal address in the case of a legal person;

(d) the name of the non-linear audiovisual media service;

(e) the type of non-linear audiovisual media service;

(f) the electronic communications network used;

(g) the locality or, where applicable, the territory of provision of the non-linear audiovisual media service;

h) the conditions of access to the non-linear audiovisual media service;

i) sources of funding;

j) the estimated date of commencement of the activity.

(3) The applicant shall attach the following documents to the notification statement submitted to the Audiovisual Council:

a) a copy of the document certifying the registration of the legal person;

b) a copy of the identity card of the natural person applicant.

(4) The declaration for notification and the attached documents shall either be submitted to the Audiovisual Council or shall be sent by registered letter or in the form of an electronic document authenticated by electronic signature.

(5) For the provision and distribution of non-linear audiovisual media services referred to in Article 57 para. (2) let. (b), notification to the Audiovisual Council is not required.

(6) For the distribution of non-linear audiovisual media services referred to in Article 57 para. (2) let. (a), the Audiovisual Council does not need to be notified, provided that the respective providers hold a licence to provide non-linear audiovisual media services.

(7) The provision of non-linear audiovisual media services over electronic communications networks using frequencies in the digital terrestrial system is possible only on the basis of a broadcasting licence granted by the Audiovisual Council, in accordance with the law.

Article 59. Notice of provision of non-linear audiovisual media service

(1) Within 10 working days from the date of receipt of the declaration submitted for notification, the Audiovisual Council shall issue to the applicant, free of charge, the notice for the provision of the non-linear audiovisual media service. This period may be extended by a maximum of 10 working days if the notification is incomplete.

(2) The notice of provision of the non-linear audiovisual media service shall contain, as appropriate:

(a) the number and date of issue of the document;

b) the identification data of the holder of the broadcasting licence;

(c) the name and type of the non-linear audiovisual media service;

(d) the identification details of the electronic communications networks used;

(e) the address of the website and/or e-mail;

(f) the locality or, where applicable, the territory of provision of the non-linear audiovisual media service.

(3) Failure to confirm receipt of a complete notification by the Audiovisual Council shall not constitute an impediment to the commencement of the provision of the non-linear audiovisual media service.

(4) Providers of non-linear audiovisual media services shall notify the Audiovisual Council of any changes to the data in the documents referred to in Article 58 para. (2) and (3) submitted at the time of notification and to the data referred to in paragraph (2) let. (b) to (f) of the same Article contained in the notification statement within 30 days of the date of occurrence of the changes.

(5) The rights provided for in the notice for the provision of non-linear audiovisual media services may not be transferred to third parties.

Article 60. Activity of non-linear audiovisual media service providers

(1) Providers of non-linear audiovisual media services shall submit to the Audiovisual Council by 1 February each year a report on European audiovisual works broadcast during the previous year. The report, a model of which can be accessed on the official website of the Audiovisual Council, shall include at least the following data:

- (a) the name of the non-linear audiovisual media service;
- b) the type of non-linear audiovisual media service;
- c) the conditions of access to the non-linear audiovisual media service;
- d) the share of European audiovisual works broadcast.

(2) Providers of non-linear audiovisual media services are required to publish the following categories of up-to-date information in a prominent place on the webpage of the non-linear audiovisual media service:

- a) name, legal status and legal address;
- b) the name of the legal representative and the shareholding structure up to the level of natural and legal person, partner or shareholder holding more than 20% of the share capital or voting rights in the company;
- (c) the names of the persons responsible for the management of the company and those primarily responsible for editorial matters;
- (d) the contact details of the non-linear audiovisual media service provider, including the electronic mail address at which it can be contacted rapidly and directly.

(3) Providers of non-linear audiovisual media services are obliged to provide on the website of the non-linear audiovisual media service a form for complaints.

(4) For the purpose of an official record, the Audiovisual Council shall establish and maintain a Register of non-linear audiovisual media service providers, which shall be published on its official website.

(5) In the event of discontinuation of the provision of the non-linear audiovisual media service, the provider concerned shall submit a notification to the Audiovisual Council within 10 working days from the date of discontinuation of the activity.

Article 61. Obligations of providers of non-linear audiovisual media services

(1) Providers of non-linear audiovisual media services shall comply with:

- (a) the requirements for the protection of minors laid down in this Code;
- (b) the obligations to promote European audiovisual works laid down in this Code;
- (c) the requirements for audiovisual commercial communications laid down in this Code;
- (d) the requirements on illegal and harmful content laid down in this Code;
- (e) the requirements for providing information to the public laid down in this Code.

(2) The provider of the non-linear audiovisual media service must keep a copy of each audiovisual programme included in the non-linear audiovisual media service for at least 60 days from the date on which the audiovisual programme ceases to be available for viewing.

(3) Where an audiovisual programme included in the non-linear audiovisual media service is the subject of a request for a right of reply and/or correction, the media service provider must keep a copy of that programme for at least 90 days from the date on which the audiovisual programme ceases to be available for viewing.

(4) At the request of the Audiovisual Council, providers of non-linear audiovisual media services shall be obliged to make available, within 3 working days from the date of the request, a copy of

the audiovisual programme in a standard format, allowing the viewing of the programme as it was made available for viewing.

(5) Providers of non-linear audiovisual media services are obliged to make information on prices and tariffs available to the public.

Chapter VIII¹ **VIDEO SHARING PLATFORM SERVICES**

Article 61¹. Obligations of video-sharing platform providers

(1) Video sharing platform providers under the jurisdiction of the Republic of Moldova shall take appropriate measures to protect:

a) minors from programs, user-generated video material and audiovisual commercial communications which may impair their physical, mental or moral development, in particular those containing pornography or unjustified violence;

(b) the general public from programmes, user-generated video material and audiovisual commercial communications which contain any incitement to violence or hatred against a group of persons or a member of a group on grounds such as sex, race, color, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or any other opinions, membership of a national minority, property, birth, disability, age or sexual orientation;

c) the general public of programs, user-generated video materials and audiovisual commercial communications with content whose broadcasting constitutes a criminal offense (according to the Criminal Code of the Republic of Moldova), namely, public incitement to commit a terrorist crime, crimes related to child pornography, racist and xenophobic crimes.

(2) The providers of video-sharing platforms under the jurisdiction of the Republic of Moldova are obliged to ensure that audiovisual commercial communications that are promoted, marketed or organized by such providers comply with the requirements on the protection of minors as provided for in Article 64 paragraph (2).

(3) Providers of video-sharing platforms under the jurisdiction of the Republic of Moldova shall take appropriate measures to ensure that audiovisual programs and user-generated video materials containing audiovisual commercial communications comply with the requirements on the protection of minors as provided for in Article 64 paragraph (2).

(4) Providers of video-sharing platforms are obliged to take measures to clearly inform users when audiovisual programs and user-generated video materials contain audiovisual commercial communications, provided that such communications are declared, as referred to in paragraph (7)(c), or if the provider is aware of it.

(5) In the area of video-sharing platforms, the use of co-regulation and self-regulation through codes of conduct is encouraged with a view to effectively reducing children's exposure to audiovisual commercial communications for food and beverages containing nutrients and substances with a nutritional or physiological effect, in particular fat, trans-fatty acids, salt or sodium and sugars, the excessive consumption of which is not recommended in the overall diet.

(6) Providers of video-sharing platforms should take appropriate measures to protect minors from user-created video programs and materials which are likely to impair the physical, mental or moral development of minors, ensuring that such content is made available to the user only where minors would not normally be able to hear or see it.

(7) For the purpose of applying the provisions of paragraph (6), these measures consist in:

a) include and apply the requirements referred to in paragraph (1) in the general terms and conditions of use of video-sharing platform services;

b) the inclusion and application, in the terms and conditions of video-sharing platform services, of the requirements set out in Article 64(2), concerning audiovisual commercial communications which are not promoted, marketed or organized by video-sharing platform providers;

(c) include a functionality whereby users uploading user-generated video material declare whether such video material contains audiovisual commercial communications to the extent that they are aware of it or to the extent that it can reasonably be presumed that they are aware of it;

(d) the establishment and use of transparent and user-friendly mechanisms enabling users of video-sharing platforms to report or flag to the respective video-sharing platform provider the content referred to in paragraph (1) that is provided on its platform;

(e) establish and use systems whereby video-sharing platform providers explain to users of video-sharing platforms the effects of the reporting and flagging referred to in point (d);

(f) the establishment and use of systems to verify the age of users of video-sharing platforms with regard to content that may impair the physical, mental or moral development of minors;

(g) the establishment and use of user-friendly systems enabling users of video-sharing platforms to categorize the content referred to in paragraph (1);

(h) providing parental control systems under the control of end-users in respect of content which may impair the physical, mental or moral development of minors;

(i) the establishment and use of transparent, user-friendly and effective procedures for handling and resolving users' complaints to the video-sharing platform provider regarding the application of the measures referred to in points d) to h);

(j) to put in place effective media literacy measures and tools and to increase users' awareness of those measures and tools.

(8) Personal data of minors that are collected or otherwise generated by video-sharing platform providers pursuant to paragraph (7) (f) and (h) shall not be processed for commercial purposes, such as direct marketing, profiling and behavioral targeted advertising.

(9) Video-sharing platform providers are required to establish an internal mechanism for the amicable resolution of disputes with users. This mechanism may not deprive the user of ordinary means of redress.

(10) Video-sharing platform providers have an obligation to treat as a matter of priority referrals from trusted reporters acting within their area of competence, to examine them without undue delay and to take appropriate action.

(11) If the content of a video-sharing platform violates the provisions of this Article, the Audiovisual Council, within 24 hours, requires the video-sharing platform providers, upon official notification, to remove the illegal content or block access to it or display a warning to users when accessing such content or deactivate the user's account for a period of 1 to 3 months. The provider is obliged to take appropriate measures within the time limit specified by the Audiovisual Council and to inform the Audiovisual Council of the measures taken.

(12) In application of the provisions of paragraph (11), the Audiovisual Council draws up, makes public and puts into action the notification procedure.

(13) The Audiovisual Council establishes detailed regulations to assess the appropriateness/appropriateness of the measures referred to in paragraph (7) taken by video-sharing platform providers.

Article 61². Requirements for declaring the provision of the video-sharing platform

(1) Video-sharing platform providers under the jurisdiction of the Republic of Moldova must submit a prior declaration to the Audiovisual Council by postal mail or to the official e-mail address for the service/s they intend to provide.

(2) The declaration shall contain the following data and information:

a) the name of the video sharing platform provider;

b) the address of the head office of the video-sharing platform provider and, if it is not established in the Republic of Moldova, the address of the head office of the parent company, subsidiary or other company of the same group, as provided for in Article 2 paragraph (7)⁽²⁾;

c) the statement on the ownership structure of the video-sharing platform provider, as well as a description of the organization of the group comprising the enterprises covered by the provisions of Article 2 paragraph (2);

d) the registration certificate (status) of the video sharing platform provider or proof of the legal status of the person;

e) description of the video sharing platform service;

f) a description of the appropriate protective measures taken, as provided for in Article 61¹ paragraph (7) and an undertaking to comply with them;

g) the indicative date on which the video-sharing platform service is to be available;

h) the arrangements for commercialization of the service;

i) the name and address of its contact point.

(3) The Audiovisual Council shall prepare the declaration form in accordance with the requirements of paragraph (2).

(4) Any changes to the data and information contained in paragraph (2) must be notified to the Audiovisual Council.

(5) The Audiovisual Council confirms the receipt of the declaration within 5 working days of receipt.

(6) The Audiovisual Council establishes and maintains an updated register of video-sharing platform providers under the jurisdiction of the Republic of Moldova and specifies the criteria on which the jurisdiction is based, as provided for in Article 2 paragraphs (7¹) - (7⁴).

(7) The Audiovisual Council shall transmit to the Commission the list of video-sharing platform providers under the jurisdiction of the Republic of Moldova, including any updates thereto.

Chapter IX AUDIOVISUAL COMMERCIAL COMMUNICATIONS

Article 62. Right to broadcast audiovisual commercial communications

(1) Media service providers shall have the right to broadcast audiovisual commercial communications in return for payment or similar remuneration or for self-promotion purposes in accordance with this Code, the Law No. 1227/1997 on advertising and the Regulation on audiovisual content.

(2) Media service providers are entitled to broadcast the following forms of audiovisual commercial communications:

- a) sponsorship;
- b) advertising;
- (c) teleshopping;
- d) product placement;
- (e) self-promotion;
- f) interactive advertising;
- g) screen-sharing advertising;
- h) virtual advertising;
- i) virtual sponsorship;
- (j) other forms of audiovisual commercial communication.

Article 63. General requirements for audiovisual commercial communications

(1) Audiovisual commercial communications shall be fair and honest.

(2) Audiovisual commercial communications shall be clearly identifiable and distinguishable from editorial content and shall comply with the provisions of this Code and the Audiovisual Content Regulation.

(3) Audiovisual commercial communications are prohibited for:

- a) cigarettes and other tobacco products, electronic cigarettes;
- b) medicinal products and/or medical treatments available only on prescription;
- b1) gambling, except for those permitted by Law no. 291/2016 on the organization and conduct of gambling;

[Art. 63 al. (3), letter b1) in the wording of LP302 of 19.12.24, MO5-7/10.01.25 art. 17; in force 10.02.25]

- c) occult practices;
- d) other products and services, in accordance with the provisions of the legislation in force.

(4) Audiovisual commercial communications which:

- (a) have disguised or misleading commercial content;
- b) use subliminal messaging techniques;
- (c) damage professional honour, dignity and reputation;
- d) include and/or promote any discrimination based on sex, race, nationality, religion, age, disability or sexual orientation, freedom of conscience, freedom of thought;

- (e) encourage behaviour that is harmful to the health and/or safety of the individual;
 - f) encourage behaviour that is harmful to the environment.
- (5) Media service providers are responsible for the content of audiovisual commercial communications.
- (6) Media service providers are obliged to standardise the sound level of audiovisual programmes with that used for the broadcasting of audiovisual commercial communications.
- (7) Audiovisual media services outside the jurisdiction of the Republic of Moldova and retransmitted by media service distributors shall not contain advertising and teleshopping expressly and with some regularity addressed to the public in the Republic of Moldova.
[Art.63 para.(7) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

Article 64. Requirements for the protection of minors

- (1) Media service providers shall broadcast audiovisual commercial communications in accordance with Article 15.
- (2) It is prohibited to broadcast audiovisual commercial communications which:
- (a) unjustifiably present the minor in situations of abuse or other danger;
 - b) cause moral, physical or mental harm to minors;
 - c) directly incite minors, by exploiting their inexperience or credulity, to buy/rent a product or hire a service;
 - (d) encourage minors to persuade their parents or other persons to buy goods or services which are the subject of audiovisual commercial communication;
 - (e) exploit the special trust minors have in parents, teachers or others;
 - f) are intended for the sale of alcoholic beverages and are particularly aimed at minors.

Article 65. Sponsorship of audiovisual programmes

- (1) The sponsored audiovisual programme must meet the following criteria:
- a) its content and scheduling will not be influenced by the sponsor in a manner that would prejudice the editorial independence and responsibility of the media service provider;
 - b) not directly encourage the sale, purchase or rental of the products and/or services of the sponsor or of a third party, in particular by promotional or commercial references to those products or services;
 - (c) be accurately identified by the sponsor's name, logo and/or any other appropriate symbol and by references to the sponsor's products or services or by a distinctive sign, appropriately presented for such audiovisual programmes, at the beginning, in the middle and/or at the end of the programmes concerned, in order to inform users of the existence of a sponsorship agreement.
- (2) The sponsorship of audiovisual news programmes and programmes with news and current affairs content is prohibited.
- (3) No audiovisual program may be sponsored by natural or legal persons whose main activity is the manufacture and/or sale of cigarettes and other tobacco products, electronic cigarettes and/or by economic agents that organize, conduct or operate gambling, except for those permitted by Law no. 291/2016 on the organization and conduct of gambling.
[Art.65 para.(3) amended by LP302 of 19.12.24, MO5-7/10.01.25 art.17; in force 10.02.25]
- (4) In audiovisual programmes sponsored by undertakings whose activities include the manufacture or sale of medicinal products and/or medical treatments, the name and image of the undertaking may be promoted, without promoting certain medicinal products or medical treatments which are available only on prescription.
- (5) Sponsorship of audiovisual programmes by political parties and other socio-political organisations is prohibited.
- (6) In any one day, the duration of audiovisual programmes sponsored by the same sponsor may not exceed 25% of the cumulative duration of the audiovisual programmes which may be sponsored within each generalist audiovisual and news media service.

Article 66. Advertising and teleshopping

(1) Advertising and teleshopping must be clearly identifiable and separated from editorial content and other parts of the audiovisual media service by optical, acoustic and/or spatial means.

(2) Advertising and teleshopping may be inserted in audiovisual programmes only if their integrity is not affected, taking into account the breaks in the programmes concerned, their duration and nature, and without affecting copyright and related rights.

(3) The broadcasting of films made for television (excluding series, serials and documentaries), cinematographic works and audiovisual news programmes may be interrupted by advertising and/or teleshopping once at an interval of at least 30 minutes. Broadcasting of audiovisual programmes for children may be interrupted by advertising and/or teleshopping once at an interval of at least 30 minutes, provided that the scheduled duration of the programme concerned exceeds 30 minutes. The insertion of advertising or teleshopping in religious audiovisual programmes is not permitted.

(4) - *repealed*.

(5) Public media service providers may only broadcast advertising in audiovisual programmes covering events of major interest.

(6) The provisions of this Article shall not apply to audiovisual media services exclusively devoted to advertising and teleshopping.

(7) Media service distributors shall not be entitled to retransmit audiovisual media services outside the jurisdiction of the Republic of Moldova, which contain advertising and teleshopping specifically and with some regularity addressed to the public in the Republic of Moldova.

[Art.66 (7) in wording of LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

Article 67. Advertising spots and teleshopping spots

(1) The proportion of advertising spots and teleshopping spots within an hour shall not exceed 20% and 12 minutes respectively in cumulative duration.

(2) Paragraph (1) shall not apply to:

- a) self-promotional messages;
- b) sponsorship messages;
- c) product placement;
- d) messages of general interest and humanitarian messages broadcast free of charge;
- e) messages of public interest broadcast free of charge;
- f) electoral advertising, broadcast free of charge.

(3) Advertising spots and teleshopping spots shall be separated from those referred to in paragraph (2) by optical, acoustic and/or spatial means.

(4) Isolated advertising spots shall be permitted only in sports broadcasts and, by way of exception, in other live audiovisual programmes.

(5) The provisions of this Article shall not apply to audiovisual media services exclusively devoted to advertising and teleshopping.

Article 68. Teleshopping programmes

(1) Teleshopping programmes shall be separated from other audiovisual programmes by optical, acoustic and/or spatial means.

(2) The teleshopping broadcast window must be of at least 15 minutes uninterrupted duration, the maximum number of teleshopping broadcast windows being 8 per day. The total duration of teleshopping windows shall not exceed 3 hours per day.

(3) No advertising spots may be broadcast in teleshopping programmes.

(4) Paragraphs (1) and (2) shall not apply to audiovisual media services exclusively devoted to teleshopping.

Article 69. Product placement

(1) Product placement in audiovisual media services shall be permitted, with the exception of audiovisual news programmes and programmes with news and current affairs content, business programmes for users, religious programmes and audiovisual children's programmes or programmes with content primarily intended for children.

(2) Audiovisual programmes containing product placement must meet the following requirements:

- (a) not to influence the content of audiovisual programmes and their scheduling in a way which would affect the responsibility and editorial independence of the media service provider;
- (b) not directly encourage the purchase or rental of goods or services, in particular by expressly mentioning the goods or services in a promotional manner;
- (c) not highlight or draw attention to the goods in question in an exaggerated manner, by undue prominence, emphasis or reference.

(3) Media service providers are obliged to broadcast the product placement message:

- a) at the beginning and at the end of the audiovisual programme containing product placement;
- (b) upon resumption, after interruption, of the audiovisual programme containing product placement.

(4) Paragraph 3 shall not apply to audiovisual programmes which have neither been produced nor commissioned by the media service provider or by a person affiliated to it.

(5) The placement of products relating to:

- a) cigarettes and other tobacco products, electronic cigarettes;
- b) products and/or services of natural and legal persons whose principal activity is the manufacture or sale of cigarettes or other tobacco products;
- c) medicinal products or medical treatments available only on prescription;
- d) gambling, except for those permitted by Law no. 291/2016 on the organization and conduct of gambling.

[Art. 69 al. (5), letter d) in the wording of LP302 of 19.12.24, MO5-7/10.01.25 art. 17; in force 10.02.25]

(6) Thematic placement is prohibited.

Article 70. Advertising and teleshopping of alcoholic beverages

(1) Media service providers shall be entitled to broadcast advertising and teleshopping for alcoholic beverages in accordance with this Code, the Law No.1227/1997 on advertising and the Regulation on audiovisual content.

(2) In audiovisual media services, advertising and teleshopping for alcoholic beverages shall comply with the following requirements:

- a) not to target minors in particular and not to show minors consuming such drinks;
- b) not establish a correlation between alcohol consumption and increased physical performance or ease of driving;
- c) not to create the impression that alcohol consumption favours social and sexual success;
- d) not claim that alcohol has therapeutic qualities or that it is a stimulant, sedative or means of resolving personal conflicts;
- (e) - *repealed*;
- f) not to highlight high alcohol content as a positive attribute of the drinks.

Article 71. Advertising and teleshopping for medicinal products and medical treatments

(1) Media service providers shall be entitled to broadcast advertising and teleshopping for medicinal products and medical treatments in accordance with this Code, the Law No.1227/1997 on advertising and the Regulation on audiovisual contents.

(2) Teleshopping for medicinal products covered by marketing authorisation within the meaning of Directive 2001/83/EC and teleshopping for medical treatments shall be prohibited.

Article 72. Political and electoral advertising

Political and electoral advertising shall be broadcast in accordance with the provisions of the Electoral Code and Law no.1227/1997 on advertising.

Chapter X AUDIOVISUAL COUNCIL

Article 73. Mission of the Audiovisual Council

(1) The Audiovisual Council shall be the guarantor of the public interest in the audiovisual field and shall have the task of contributing to the development of audiovisual media services in accordance with the principles of audiovisual communication laid down in this Code and with the relevant international rules, standards and best practices.

(2) For the purposes of this Code, public interest in the field of audiovisual media means the interest in ensuring pluralist and objective information to the public, an interest which is superior to political, economic, commercial, ideological or other interests.

Article 74. Statute of the Audiovisual Council

(1) The Audiovisual Council is an autonomous public authority, is organisationally independent from any other entity and is responsible for the implementation of the provisions of this Code.

(2) The Audiovisual Council has the status of a legal person under public law.

(3) The Audiovisual Council shall be consulted on draft regulatory acts regulating activities in the audiovisual and related fields.

(4) The Audiovisual Council shall be consulted in the process of defining the position of the Republic of Moldova in international negotiations in the audiovisual field and, through its representatives, shall participate in them.

(5) The Audiovisual Council is responsible for the implementation of international conventions and treaties in the field of audiovisual to which the Republic of Moldova is party.

Article 75. Powers of the Audiovisual Council

(1) The Audiovisual Council shall ensure the development of audiovisual media services in accordance with the principles of audiovisual communication laid down in this Code.

(2) The Audiovisual Council shall draw up, publicly debate, approve, update and implement medium- and long-term strategies for the development of audiovisual media services.

(3) In order to carry out its tasks, the Audiovisual Council shall develop and supervise the implementation:

(a) regulations on the conditions, criteria and procedure for granting, extending, amending, suspending and revoking broadcasting licences and retransmission authorisations;

(b) ~~of the regulations on the content of linear and non-linear audiovisual media services~~ ~~content regulation of linear and non-linear audiovisual media services and video-sharing platform services;~~

(c) the regulations on audiovisual commercial communications;

(d) regulations on the legal regime of property;

(e) ~~the regulations on the procedure for appointing the members of the Supervisory Boards of public service providers and for examining their annual activity reports~~ ~~the rules governing the appointment of the members of the Supervisory and Development Board and the examination of its annual activity report;~~

(f) regulations on ensuring access to audiovisual media services, on correct information, right of reply, protection of minors and persons with disabilities, gender equality;

(f¹) ~~the regulations on how to identify audiovisual content constituting hate speech and how to assess its seriousness;~~

(g) regulations on the protection of the national audiovisual space;

(h) ~~of the methodologies for monitoring the content of linear and non-linear audiovisual media services~~ ~~methodologies for monitoring the content of linear and non-linear audiovisual media services and video sharing platform services;~~

(i) ~~of the methodologies for monitoring audiovisual pluralism and compliance with the rules on remedying situations relating to dominance in the formation of public opinion~~ ~~methodologies for monitoring audiovisual pluralism and compliance with the rules on remedying situations relating to the dominant situation in the formation of public opinion;~~

(j) ~~of other normative acts ensuring the implementation of the provisions of this Code;~~

k) the internal rules and procedures referred to in Article 80 para. (1);
l) the regulations on the implementation of the necessary measures under the Law no. 212/2004 on the regime of emergency, siege and war.

[Art.75 para.(3), let.l) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

(4) Audiovisual Council:

(a) exercise control over the manner in which media service providers and distributors fulfil their obligations under this Code. Control over the content of audiovisual media services and audiovisual programmes shall be exercised only after their provision, in accordance with Article 7 para. (5);

a1) supervises the national audiovisual space and, in the event of finding disinformation and other unlawful content, referred to in Article 11 of this Code, in linear and non-linear audiovisual media services or retransmitted audiovisual media services, orders repeated monitoring of them within 7 days ~~monitor the national audiovisual media and, in case of detection of disinformation in linear and non-linear audiovisual media services or in retransmitted audiovisual media services, order repeated monitoring within 7 days;~~

[Art.75 para.(4), let.a1) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

(b) draw up and approve the list of major events;

(c) examine and resolve petitions and complaints concerning the activity of media service providers, video sharing platform service providers and media service distributors, including with regard to copyright and related rights;

(d) draw up and update the list of free-to-air and must-carry audiovisual media services and publish it on the official website of the Audiovisual Council;

(d¹) develops, adopts and implements the procedure for the certification of reliable notifiers and publishes the list of reliable notifiers on its official website;

(d²) assesses the relevance/appropriateness of the measures taken by video-sharing platform providers, in application of the provisions of Article 61¹ paragraph (7);

e) cooperate with similar institutions in other countries with a view to adopting and implementing international best practices and standards in the audiovisual field;

f) cooperates with other competent public authorities and institutions of the Republic of Moldova with a view to the enforcement of audiovisual and online legislation ~~cooperate with other competent public authorities and institutions in the Republic of Moldova in the application of the legislation in the field of audiovisual;~~

g) exercise powers provided for by the Electoral Code and other normative acts;

h) request from media service providers, video-sharing platform service providers and media service distributors information on their activity, indicating the legal basis, the purpose of the request and the deadline for submitting the information;

i) initiates and organizes information literacy and media education activities, audiovisual research, market studies, polls, audience research and other studies in order to implement the legal provisions in the field and, to this end, is entitled to contact specialized institutions under the Law no.131/2015 on public procurement ~~initiates and organizes research activities in the field of broadcasting, market studies, surveys, audience studies and other studies in order to apply the legal provisions in the field and, for this purpose, is entitled to contract specialized institutions under the conditions of Law no.131/2015 on public procurement;~~

j) keep and update the register of media service providers, video sharing platform service providers and media service distributors.

(5) The Audiovisual Council shall ensure transparency:

a) the ownership and financing of media service providers under the jurisdiction of the Republic of Moldova, by publishing on its official website the annual activity reports of media service providers, as well as its own reports and any updated information on the legal regime of ownership of media service providers ~~ownership and financing of media service providers and media service distributors under the jurisdiction of the Republic of Moldova;~~

~~(b) tariffs and conditions for the use of audiovisual media services;~~

c) own activity.

(6) In order to carry out its duties, the Audiovisual Council shall issue normative acts and rules of professional conduct of a recommendatory nature.

(7) The Audiovisual Council shall apply sanctions in accordance with this Code.

(8) The Audiovisual Council shall exercise other powers in accordance with this Code.

Article 76. Composition of the Audiovisual Council

(1) The Audiovisual Council shall consist of 7 members, who must be of integrity and have professional experience in the fields of audiovisual, communication and journalism, cinema, culture, science and research, law, information and communication technology, advertising and academic activity. The principle of gender equality will be respected when setting up the Audiovisual Council.

(2) A person who meets all of the following requirements may be a candidate for membership of the Audiovisual Council:

a) holds citizenship of the Republic of Moldova;

b) holds a bachelor's degree or equivalent and has at least five years' experience in one of the fields referred to in paragraph (1);

c) is familiar with the provisions of national and European Union legislation and international good practice in the audiovisual and related fields;

d) knows Romanian and at least one international language;

e) ~~has no party membership and/or political affiliation in the last two years~~ ~~is not a party member and/or politically affiliated;~~

f) ~~does not personally own, nor do related persons, directly or indirectly, any interest, including financial, in media service providers, media service distributors, video-sharing platform providers, electronic communications companies or advertising companies~~ ~~does not hold, directly or indirectly, interests, including financial interests, in media service providers, media service distributors, electronic communications undertakings or advertising undertakings;~~

g) has an impeccable professional reputation, confirmed by at least two letters of recommendation;

h) is not deprived of the right to hold public office by a final court decision;

i) is not prohibited from holding a public office or a position of public dignity, which derives from a finding of the National Integrity Authority.

(3) The Audiovisual Council shall consist of:

a) ~~2 members proposed by the Parliament, representing the parliamentary majority and the parliamentary opposition~~ ~~3 members proposed by the parliamentary factions, respecting the proportional representation of the majority and the parliamentary opposition;~~

b) one member proposed by the President of the Republic of Moldova;

c) one member proposed by the Government of the Republic of Moldova;

d) ~~3 members proposed by civil society organizations, selected through a public competition~~ ~~2 members proposed by civil society organisations representative of the audiovisual media services.~~

(4) Candidates for membership of the Audiovisual Council shall be selected by the relevant parliamentary committee. 60 days before the expiry of the term of office of the member of the Audiovisual Council, the chairperson of the relevant parliamentary committee:

(a) require the entities referred to in paragraph 1 to (3)(a) to (c) to propose one candidate for each vacant position of member of the Audiovisual Council;

b) ~~announces a public competition for the selection of candidates proposed by civil society organizations, making public on the official website of the Parliament and on the official website of the Audiovisual Council the rules for the organization and conduct of the competition and the deadline for submission of applications, depending on the position for which the entity becomes vacant~~ ~~announce vacancies for membership of the Audiovisual Council on behalf of civil society organisations by publishing on the official website of the Parliament and on the official website of the Audiovisual Council the requirements for candidates and the deadline for the submission of applications.~~

(4¹) ~~Within 15 working days of the closing date for the submission of applications, the parliamentary committee conducts the competition in accordance with the rules of procedure and~~

select one candidate for each vacant post. If no candidate is selected for one or more vacant positions, a new competition shall be held within 10 working days in accordance with this Article.

(5) The parliamentary committee shall hear and approve or reject candidates for membership of the Audiovisual Council by means of a reasoned decision. After the selection of the candidates, the relevant parliamentary committee shall submit a report to the plenary session of the Parliament and the Parliamentary Committee on Legal Affairs, Appointments and Immunities shall submit a report on the fulfilment of the requirements laid down in this Article.

(6) If a candidate for the position of member of the Audiovisual Council does not obtain the required number of votes, the selection procedure for the remaining vacancy shall be repeated within 10 working days, under the conditions of this Article.

(7) The members of the Audiovisual Council are appointed by a decision of the Parliament for a term of 6 years, renewable once. ~~The members of the Audiovisual Council shall be appointed by decision of Parliament for a single term of office of 6 years.~~

(8) In the event of a vacancy before the end of the term of office, a new member of the Audiovisual Council shall be appointed for the remainder of the term of office on the proposal of the same entity.

Article 77. Members of the Audiovisual Council

(1) The members of the Audiovisual Council do not represent the entity that appointed them and shall perform their duties in accordance with the law, free from the influence of any other public or private entity.

(2) The members of the Audiovisual Council shall be irremovable during their term of office.

(3) The working hours of the members of the Audiovisual Council shall have a normal working time.

(4) The vacancy of the office of member of the Audiovisual Council shall automatically arise in the case of:

a) the expiry of the mandate;

b) resignation;

c) conviction by final judgment;

d) loss of citizenship of the Republic of Moldova;

(e) inability to perform the duties of the post for a period of more than four months continuously, as established by documentary evidence;

f) absence, with or without justification, from at least 7 consecutive meetings;

g) incompatibility with the office of member of the Audiovisual Council, in accordance with the provisions of Article 78;

h) the establishment of a legal protection measure by a final court decision;

i) death;

~~(j) the finding of improper performance or non-performance of his duties;~~

~~(k) the finding, as a result of parliamentary scrutiny carried out in accordance with the law, of defective activity.~~

~~(41) In determining the grounds for termination of the service on the grounds of improper performance or non-performance of duties or on the grounds of assessment of the work of the authority as being defective, the relevant parliamentary committee shall analyse, in an objective and transparent manner, the institutional management, the decisions adopted by the authority, the activity reports of the authority, the audit reports, complaints, claims, petitions, individual activity objectives and performance indicators for the person evaluated, other relevant data and information accumulated and submitted to the committee. On the basis of the analysis carried out, the relevant parliamentary committee shall draw up a report assessing the managerial skills and professional competences of the member of the Audiovisual Council, the manner in which he/she performs his/her duties or, where appropriate, the efficiency of the Authority's work. In the process of examining the grounds for removal from office, the parliamentary committee may hear the members of the Audiovisual Council and any employee of the institution in which they work, and may also request and receive any relevant information from natural or legal persons. If the relevant parliamentary committee finds that there are grounds for removal from office as referred to in paragraph (4) let. (j) and (k), it shall draw up a reasoned report, stating the facts,~~

~~circumstances and circumstances on the basis of which removal from office is sought, and shall submit it to the plenary of Parliament.~~

~~(42) On the basis of the report of the relevant parliamentary committee, the Parliament, by a majority vote of the elected members, may dismiss the members of the Audiovisual Council. The decision of the Parliament to remove the member of the Audiovisual Council from office may be challenged in court under the conditions and within the time limits laid down in the Administrative Code.~~

(5) In the event of a vacancy, the Chairperson of the Audiovisual Council shall notify the relevant parliamentary committee within 5 working days of the date of the vacancy.

(6) In the case referred to in paragraph (4) let. (a), the member of the Audiovisual Council shall continue to hold office until another person is appointed to that office, but for no longer than 6 months. In the cases referred to in paragraph 4 let. (b) to (i), the office of member of the Audiovisual Council shall remain vacant from the date of the order issued by the President of the Audiovisual Council.

(7) Members of the Audiovisual Council shall exercise functions of public dignity.

(8) During their term of office, members of the Audiovisual Council may not make statements or take any action which may be prejudicial to the independence of their office and may not take advantage of their office for political, economic or other advantage.

Article 78. Incompatibilities of membership of the Audiovisual Council

(1) The function of member of the Audiovisual Council is incompatible with any other public or private function, except for teaching and scientific functions, if it does not present a conflict of interest.

(2) During their term of office, members of the Audiovisual Council may not be members of political parties or other socio-political organisations.

(3) Members of the Audiovisual Council, as well as their close persons, within the meaning of the Law no.133/2016 on the declaration of wealth and personal interests, are not entitled to hold, directly or indirectly, shares or stocks in companies with activities in areas in which they would be in conflict of interest with the membership of the Audiovisual Council.

(4) Members of the Audiovisual Council and persons close to them may not be members of the boards of directors or management bodies of media service providers and media service distributors, nor may they hold office or shares in a legal person which holds a broadcasting licence or a retransmission authorisation.

(5) ~~For the purpose of applying the provisions of paragraphs (3) and (4), the members of the Audiovisual Council shall submit an affidavit which shall be made public~~ For the purposes of applying paragraphs (3) and (4), the members of the Audiovisual Council shall submit an affidavit of compliance in open session.

(6) A member of the Audiovisual Council who, at the time of appointment, is in one of the situations referred to in paragraphs (1) to (4) shall have a period of 30 days in which to remove the situation of incompatibility, during which time he or she shall not have the right to vote in the Audiovisual Council.

~~(6¹) If the situation of incompatibility is not removed within the period provided for in para. (6), the office shall automatically become vacant.~~

Article 79. Management of the Audiovisual Council

(1) The Audiovisual Council shall be headed by a chairman and a vice-chairman elected by secret ballot of at least 5 members of the Council.

(2) The meeting of the Audiovisual Council at which the President is elected shall be chaired by the most senior member of the Council.

(3) The chairperson of the Audiovisual Council shall be responsible for the work of the Audiovisual Council in the exercise of its functions under this Code.

(4) The President of the Audiovisual Council:

a) convene and chair meetings of the Audiovisual Council;

b) sign decisions and other acts issued by the Audiovisual Council;

- (c) ensure the management of budgetary allocations and the administration of public assets in accordance with the principles of good governance;
 - d) appoints and dismisses the staff of the Audiovisual Council;
 - e) issue orders concerning the activity of the Audiovisual Council apparatus;
 - (f) submit to Parliament the annual activity report of the Audiovisual Council;
 - g) represent the Audiovisual Council in relations with public authorities, legal entities and international relations;
 - h) represent the Republic of Moldova in international organizations on issues related to audiovisual media services.
- (5) In the absence of the chairman of the Audiovisual Council, as well as in the event of a vacancy of the office and until a new chairman is elected, the duties of the chairman shall be exercised by the deputy chairman.
- (6) The chairman and vice-chairman of the Audiovisual Council may be dismissed by secret ballot on the proposal of 3 members and by a vote of at least 5 members of the Audiovisual Council.

Article 80. Organisation and functioning of the Audiovisual Council

- (1) The Audiovisual Council shall operate on the basis of its own rules of organisation and functioning.
- (2) In order to carry out its tasks, the Audiovisual Council shall establish its own functional structure and may establish territorial functional structures.
- (3) The meetings of the Audiovisual Council shall be deliberative with the presence of at least 5 members.

The Audiovisual Council shall adopt decisions by a vote of at least 4 members, except in the cases provided for in this Code. All decisions of the Audiovisual Council shall be reasoned.

- (4) **The meetings of the Audiovisual Council are public. The deliberative part of the meetings of the Audiovisual Council may be closed or public.**

~~The meetings of the Audiovisual Council shall be public. The vote expressed by each member of the Audiovisual Council shall always be accompanied by reasoning. Members of the Audiovisual Council may cast their vote for or against, openly or by secret ballot, without being allowed to abstain from voting.~~

- (4¹) **The members of the Audiovisual Council present and discuss the reports on the items on the agenda of the meetings, as well as the draft decisions on the reports to be put to the vote.**

(4²) **The vote expressed by each member of the Audiovisual Council is always accompanied by the arguments presented during the deliberations up to the voting procedure. Members of the Audiovisual Council may vote for or against, openly or secretly, without abstention from voting. In the case of a separate opinion, it shall be annexed to the administrative act adopted.**

- (5) The debates at the meetings of the Audiovisual Council and the results of the voting shall be recorded in minutes signed by the chairman of the Audiovisual Council. The decisions together with the minutes shall be published on the official website of the Audiovisual Council within 10 working days from the date of adoption of the decisions.

- (6) During the election period, decisions adopted by the Audiovisual Council on the examination of appeals shall be published on the official website of the Council within 24 hours of their adoption.

[Art.80 (6) in wording of LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

- (7) Decisions of a regulatory nature issued by the Audiovisual Council shall enter into force on the date of their publication in the Official Gazette of the Republic of Moldova. Other decisions of the Audiovisual Council shall be binding from the date indicated in the decision.

- (8) The Audiovisual Council shall publish its decisions on its official website and in the Official Gazette of the Republic of Moldova.

Article 81. Financing of the Audiovisual Council

- (1) The budget of the Audiovisual Council is made up of subsidies from the state budget and own revenues.

(2) – Subsidies from the state budget are established annually by the state budget law and represent the volume of subsidies from the state budget approved for the previous year, indexed with the consumer price index of the last fully executed budget year.

(3) The own revenues of the Audiovisual Council come from grants, sponsorships and other legal sources. Monetary funds and the assets of the Audiovisual Council, originating from a natural and/or legal persons may not constitute a source for supplementing the assets of the Audiovisual Council:

a) is a beneficial owner of one or more audiovisual media service provider(s) or distributor(s) or of one or more video-sharing platform provider(s);

b) is politically affiliated;

c) could influence the impartial and objective exercise of the powers of the Audiovisual Council.

~~The Audiovisual Council's own income comes from donations, sponsorships and other legal sources. Revenue from natural or legal persons with an interest in the audiovisual sector may not be used to supplement the budget of the Audiovisual Council.~~

(4) The Audiovisual Council shall approve the annual report on its financial activity, which shall be published in the Official Gazette of the Republic of Moldova and on the official website of the Council.

(5) The financial activity of the Audiovisual Council shall be audited by the Court of Auditors in accordance with the legislation in force.

Article 82. Remuneration of members of the Audiovisual Council

(1) Members of the Audiovisual Council are remunerated in accordance with the legislation on the salary system in the budgetary sector.

(2) For the electoral period, in general local, parliamentary and presidential elections and republican referendums ~~regardless of the type of elections~~, the members of the Audiovisual Council receive a one-time allowance of up to 30% of the basic salary, depending on the degree of involvement of each member in the work process during the respective period.

Article 83. Supervision and control activity

(1) The supervision of compliance with the provisions of this Code and the sanctioning of infringements, as well as the control of the fulfilment of the obligations and decisions adopted under and for the application of this Code shall be the responsibility of the Audiovisual Council.

(2) In its supervisory and control activity, the Audiovisual Council shall request the information and documents necessary for the application of the provisions of this Code. The applicant shall indicate the legal basis, the purpose of the request and the deadline for submitting the information.

(3) The Audiovisual Council shall exercise control:

a) ex officio;

b) upon referral by a public authority;

c) following a petition lodged by a natural or legal person.

(4) In the cases referred to in paragraph (3) let. (b) and (c), the Audiovisual Council shall, within 15 working days from the date on which the complaint or petition was lodged, shall carry out a check on the factual circumstances. That period may be extended by decision of the Audiovisual Council by a maximum of 15 working days. The Audiovisual Council shall, no later than 5 working days after the factual control, examine the complaint or petition in a public meeting, announce the results of the control, hear the subjects concerned and decide on the rejection or acceptance of the complaint or petition and, where appropriate, on the application of a sanction, under the conditions laid down in this Code.

(41) During the election period, the examination of petitions/petitions or ex officio control regarding actions prohibited by law are carried out by the Audiovisual Council within 5 working days from the date of submission of the petition/petition or from the date of the initiation of the ex officio control. ~~During the electoral period, the examination of complaints/applications or ex officio control concerning disinformation actions shall be carried out by the Audiovisual Council within a maximum of 5 working days from the date of submission of the complaint/application or from the date of initiation of the ex-officio control.~~

[Art.83 para.(41) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

(5) The results of the control carried out under paragraph (3)(a) shall be examined in a public hearing, with the hearing of the subjects concerned.

(6) For the purposes of this Article, the representatives of the public authority that lodged the complaint, the natural or legal person that lodged the petition or their representatives authorised by proxy, the representatives of the civil society organisation that lodged the complaint, as well as the representatives of the media service provider, the video sharing platform service provider and the media service distributor shall be deemed to be interested parties.

(7) With the exception of the electoral period, 5 calendar days before the public meeting in which the complaint or petition will be examined, the Audiovisual Council shall inform the interested parties of the date, time and place of the meeting.

[Art.83 para.(7) amended by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]

(8) The Audiovisual Council shall examine the complaint or petition in the absence of the subjects concerned if the procedure of prior information has been respected.

(9) The decisions adopted by the Audiovisual Council, under the conditions of paragraph (3), shall consist of the descriptive part, the grounds and the operative part.

(10) The descriptive part refers to the factual and legal grounds on the basis of which the control was carried out, as well as to the claims and defences raised by the interested parties, the results of the control carried out by the Audiovisual Council, other important circumstances.

(11) The statement of reasons shall indicate the infringements detected during the control or the lack thereof, the arguments and evidence on which the conclusions on the results of the control are based, as well as the legal provisions by which the Audiovisual Council was guided.

(12) The operative part of the decision shall contain the conclusion of the Audiovisual Council on the admissibility or rejection in whole or in part of the complaint or petition, the sanction imposed, the measures obliging the subjects concerned to act or not to act, the appeal procedure and time limit for appealing against the decision, the time limit for execution and the measures necessary to ensure the execution of the decision.

(13) The Audiovisual Council shall contribute fully to the amicable settlement of complaints and petitions.

(14) In the event that elements constituting an offence are detected during the control or the competence of another authority is established, the Audiovisual Council shall forward the relevant material to the competent authority.

~~(15) The results of the examination of complaints and petitions are reflected in the annual activity report of the Audiovisual Council. The Audiovisual Council shall carry out an annual ex-officio control of the execution of the legal provisions in force by media service providers, video sharing platform service providers and media service distributors. The results of the control are reflected in the annual activity report of the Audiovisual Council.~~

Article 84. Penalties

~~(1) Media service providers, video-sharing platform service providers and media service distributors shall be liable for infringements of audiovisual legislation in accordance with this Article and the legislation in force.~~

~~(2) For violations of the provisions of this Code, the Audiovisual Council shall apply sanctions determined on an individual basis according to the seriousness of the violation, its effects and the frequency of violations committed in the last 12 months.~~

~~(3) Media service providers who have committed the first violation of the provisions stipulated in: a) art.5 para. (2), art.6 para.(4) (6), art.13-15, art.16 para.(3), art.19 para.(2) (6), art.20 para.(5), (10) and (11) and art.22 of this Code;~~

~~*[Art.84 (3) (a) amended by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]*~~

~~b) Article 70 (2), (6) and (11) of the Electoral Code.~~

~~(4) A public warning shall be imposed on media service distributors who have committed the first violation of Article 55 para. (2) to (10), with the exception of art.55 para. (2) (10), except for art. 55 para. (3) let. c).~~

~~*[Art.84 para.(4) amended by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]*~~

~~(5) Media service providers and media service distributors who have committed the following violations shall be fined from 5000 lei to 10000 lei:~~

- ~~a) refusal to submit to control in accordance with the provisions of Article 75 para. (4) let. (a); refusal to allow access to the premises in which they carry out their activity, refusal to create conditions for viewing the audiovisual media service offer retransmitted or to make available to authorised representatives the requested documents and recordings of audiovisual programmes broadcast;~~
- ~~b) failure to comply with the offer of audiovisual media services retransmitted by the media service distributor;~~
- ~~c) failure to submit, by 1 February of the year following the year of management, annual activity reports and broadcasting contracts for audiovisual media services;~~
- ~~d) illegal use of the signals and/or logo of another media service provider;~~
- ~~(e) failure to comply with the provisions on the communication of reasons and the subject matter of the sanction, as provided for in paragraphs (11) to (13) of this Article;~~
- ~~f) the transmission/re-transmission of audiovisual media services in violation of the provisions of the broadcasting licence or retransmission authorisation;~~
- ~~g) non-compliance with the general concept of the audiovisual media service, approved by the Audiovisual Council;~~
- ~~h) failure to comply with the provisions of Article 23 and failure to present, at the request of the Audiovisual Council, the contracts concluded with copyright and related rights holders;~~
- ~~i) failure to comply with the provisions of Article 24 para. (2) and (3) and refusal to make available to the Audiovisual Council the audiovisual media service recordings;~~
- ~~j) failure to comply with the provisions on the conditions for the provision of audiovisual commercial communications laid down in Article 63 para. (2) to (4) and Article 64, with a fine being imposed for each case of infringement found;~~
- ~~k) repeated commission of the infringements referred to in paragraphs 3 and 4 of this Article;~~
- ~~l) failure to comply with the provisions of Article 63 para. (6).~~

~~(6) Media service providers and media service distributors who have committed the following violations shall be fined from 10000 Lei to 15000 Lei:~~

- ~~a) failure to comply with decisions of the Audiovisual Council on the protection of minors;~~
- ~~b) the use of the subliminal message technique in advertising or teleshopping spots;~~
- ~~c) failure to comply with the obligation to ensure transparency of ownership of media service providers, provided for in Article 21, and with the legal regime of ownership, provided for in Article 28 para. (2) to (12) and Article 29 para. (7);~~
- ~~d) repeated commission of the infringements referred to in paragraph (5) of this Article, with the exception of Article 19 para. (2);~~
- ~~e) non-compliance with the provisions of Article 69 para. (5) and (6) and Article 70 para. (3) to (5) of the Electoral Code;~~
- ~~f) non-compliance with the provisions of Article 4 para. (3), (4) and (6) to (9).~~

~~[Art.84 para.(6), let.f) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(7) Media service providers and media service distributors who have committed the following violations shall be fined from 15000 Lei to 20000 Lei:~~

- ~~a) broadcasting/retransmission of audiovisual media services without a broadcasting licence or retransmission authorisation;~~
- ~~b) the transmission/re-transmission of audiovisual media services outside the coverage area specified in the broadcasting licence or retransmission authorisation;~~
- ~~c) retransmission of audiovisual media services in violation of Articles 53-55;~~
- ~~(d) the broadcasting of cinematographic works outside the periods provided for in the contracts concluded with the holders of copyright and related rights or without obtaining a valid licence granting the right to broadcast them;~~
- ~~(e) unjustified interruption of the activity of the media service provider or media service distributor for a period of more than 10 days or for more than 30 intermittent days during a calendar year;~~
- ~~f) repeated commission of the infringements referred to in paragraph 6 of this Article;~~
- ~~g) non-compliance with the provisions of Article 70 (9) and (10) of the Electoral Code.~~

~~(8) Media service providers and media service distributors shall be fined from 25,000 Lei to 30,000 Lei if they have repeatedly committed, within a period of 12 months, the infringements referred to in paragraph (7).~~

~~(81) Media service providers who have repeatedly infringed the provisions of Article 4 let. (3), (4) and (6) to (9) within a period of 12 months shall be subject to a suspension of the right to broadcast audiovisual commercial communications for up to 3 months. The suspension of the right to broadcast audiovisual commercial communications shall apply after the gradual application of the sanctions provided for in paragraphs (6) to (8) of this Article.~~

~~[Art.84 para.(81) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(9) Media service providers and media service distributors who have violated the provisions of Article 11 paragraph (2) and Article 17 shall be fined from 40,000 Lei to 70,000 Lei. For repeated violation of these provisions, the fine shall be from 70000 Lei to 100000 Lei.~~

~~Withdrawal of the broadcasting licence for violation of Articles 11 para. (2) and 17 shall be applied after the sanctions provided for in this paragraph have been gradually applied.~~

~~(91) A media service provider who has violated the decision of the Audiovisual Council on the suspension of the right to broadcast audiovisual commercial communications referred to in paragraph (81) shall be sanctioned with the suspension of the broadcasting licence for a period of up to 60 days.~~

~~[Art.84 para.(91) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(92) A fine from 25000 Lei to 30000 Lei shall be imposed on media service distributors who have violated the provisions of Article 55, para. (3) let. c), Art. 63 para. (7) and Art. 66 para. (7).~~

~~[Art.84 para.(92) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(93) A fine from 40,000 Lei to 70,000 Lei shall be imposed on media service distributors who have repeatedly violated the provisions of Article 55 para. (3) let. c), Art. 63 para. (7) and Art. 66 para. (7).~~

~~[Art.84 para.(93) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(10) A media service provider or a media service distributor who has repeatedly committed, within a period of 12 months, the infringements referred to in paragraph (8) shall be subject to the suspension of the broadcasting licence or the retransmission authorisation. The suspension of the broadcasting licence or the retransmission authorisation shall be applied after the gradual application of the sanctions referred to in para. (4)-(81).~~

~~[Art.84 para.(10) amended by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(101) Media service providers who broadcast content qualified as disinformation shall be fined from 40,000 Lei to 70,000 Lei.~~

~~[Art.84 para.(101) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(102) Media service providers shall be fined from 70,000 Lei to 100,000 Lei if, after having been sanctioned in accordance with paragraph (101) of this Article, have repeatedly disseminated contents qualified as disinformation.~~

~~[Art.84 para.(102) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(103) Media service providers shall be sanctioned with the suspension of their broadcasting licence for a maximum period of 7 days if, after having been sanctioned in accordance with para. (102) of this Article, have repeatedly broadcast contents qualified as disinformation.~~

~~[Art.84 para.(103) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(104) Suspension of the right to broadcast audiovisual commercial communications for a maximum period of 7 days may be imposed as an additional sanction for infringement of the provisions of art. 4 para. (3)-(9) and of art. 13 para. (1) let. b) and para. (4) and (6).~~

~~[Art.84 para.(104) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(11) The media service provider or media service distributor to whom one of the sanctions provided for in this Article has been imposed shall be obliged to communicate to the public the reasons for and the object of the sanction in the manner indicated by the Audiovisual Council in the decision on the imposition of the sanction.~~

~~(12) The text of the sanction shall be broadcast within 48 hours from the date of the decision on the application of the sanction, with sound and/or visual coverage, at least three times during prime time, including once in the main audiovisual news programme in the case of generalist~~

~~audiovisual media and/or news services, in accordance with the relevant decision of the Audiovisual Council.~~

~~(13) The sanctioned media service distributor is obliged to broadcast the text of the sanction periodically for 24 hours, in accordance with the decision of the Audiovisual Council on the application of the sanction.~~

~~(14) The broadcasting licence shall be withdrawn under the conditions of Article 27 and the retransmission authorisation – under the conditions of Article 54 paragraph (7).~~

~~(15) The decision of the Audiovisual Council on the application of the sanction is motivated and becomes enforceable from the date of publication. Decisions of the Audiovisual Council on the application of the sanction may be appealed to the court by the sanctioned media service provider or by the sanctioned media service distributor, without the need for a prior application.~~

~~[Art.84 para.(15) amended by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(16) In order to protect the national audiovisual space, the court shall examine disputes arising from violations of the provisions of Articles 4, 11 para. (2) and Article 17 within 30 days. The appeal or appeal shall be filed within 3 days from the date of the decision and shall be examined within 10 days.~~

~~[Art.84 para.(16) amended by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

~~(17) If within 12 months from the date of the last sanction the media service provider or media service distributor does not commit any further violations of the provisions of this Code, the previous sanctions shall be considered null and void.~~

~~(18) Audiovisual media services retransmitted by media service distributors for which they have been sanctioned under para. (92) and (93) are banned for retransmission on the territory of the Republic of Moldova for a period of at least 1 year.~~

~~[Art.84 (18) introduced by LP143 of 02.06.22, OG185/22.05.22 art.347; in force 22.06.22]~~

Article 84¹. Penalties

(1) Media service providers, video-sharing platform service providers and media service distributors are liable for infringements of audiovisual legislation in accordance with this Article and applicable law.

(2) For violations of the provisions of this Code, the Audiovisual Council applies individually determined sanctions, ranging from a public warning to the withdrawal of the broadcasting license/ retransmission authorization, depending on the seriousness of the violation, its effects, as well as the frequency of violations committed in the last 12 months. In determining the seriousness of the infringement and its effects, the Audiovisual Council takes into account at least the following criteria: the classification, type and audience of the audiovisual media service.

(3) Media service providers who have committed the following violations are sanctioned with a fine from 1 000 lei to 100 000 lei:

a) failure to comply with the provisions of Art.4 paragraphs (3)-(4) and (6)-(9), Art.5 paragraph (2), Art.6 paragraphs (4)-(6), Art.13-15, Art.16 paragraph (3), Art.19 paragraphs (2)-(6), Art.20 paragraphs (5), (10) and (11), Art.22, Art.24 paragraphs (2) and (3), Art.63 paragraph (6) of this Code;

b) failure to comply with the provisions of art.89 para.(2)-(5), art.90 para. (1)-(14) of the Electoral Code;

c) refusal to submit to scrutiny, refusal to allow access to the premises where they carry out their activities, refusal to make available to their authorized representatives the requested documents and/or recordings of audiovisual programs broadcast;

d) failure to submit the annual activity reports by March 31 of the year following the year of management, or their rejection by the Audiovisual Council;

e) illegal use of the signals and/or logo of another media service provider;

f) failure to comply with the provisions concerning the communication of the reasons and the subject of the sanction, provided for in paragraphs (12)-(13) of this Article;

g) broadcasting audiovisual media services in violation of the provisions of the broadcasting license;

h) failure to comply with the general concept of the audiovisual media service approved by the Audiovisual Council;

- i) failure to comply with the provisions on the conditions for the provision of audiovisual commercial communications set out in Article 63 paragraphs (2)-(4), Article 64, 65, Article 66 paragraphs (1)-(5), Article 67 paragraphs (1), (3) and (4), Article 68 paragraphs (1)-(3), Article 69, Article 70 and 71;
 - j) failure to publish on the official websites the activity reports for the previous year within 3 days of the approval of these reports by the Audiovisual Council;
 - k) failure to comply with the decisions of the Audiovisual Council on the protection of minors;
 - l) using subliminal messages in advertising or teleshopping spots;
 - m) non-compliance with the obligation to ensure the transparency of the editorial policy and ownership of media service providers, provided for in Article 21, as well as with the legal regime of ownership, provided for in Article 28 paragraphs (2)-(13) and Article 29 paragraph (7);
 - n) transmission of audiovisual media services without a broadcasting license or retransmission authorization;
 - o) transmission of audiovisual media services outside the coverage area specified in the broadcasting license;
 - p) non-compliance with the decisions of the Audiovisual Council.
- (4) Media service distributors who have committed the following violations shall be sanctioned with a fine from 1 000 lei to 100 000 lei:
- a) retransmission of audiovisual media services in violation of Articles 53-56 of this Code;
 - b) refusal to submit to control, refusal to allow access to the premises where they carry out their activity, refusal to create conditions for viewing the broadcast audiovisual media services offered by or to provide the authorized representatives with the requested documents;
 - c) failure to comply with the offer of retransmitted audiovisual media services approved by the Audiovisual Council;
 - d) failure to submit the annual activity reports by March 31 of the year following the year of management, or their rejection by the Audiovisual Council;
 - e) failure to comply with the provisions on the communication of the reasons and the subject of the sanction, provided for in paragraphs (12) and (14) of this Article;
 - f) retransmission of audiovisual media services in violation of the retransmission authorization;
 - g) failure to publish on their own websites the activity reports for the previous year within 3 days of the approval of these reports by the Audiovisual Council;
 - h) failure to comply with the decisions of the Audiovisual Council on the protection of minors;
 - i) retransmission of audiovisual media services without a retransmission authorization;
 - j) retransmission of audiovisual media services outside the coverage area specified in the retransmission authorization;
 - k) non-compliance with the decisions of the Audiovisual Council.
- (5) If the Audiovisual Council decides that the effects of a violation referred to in para. (3) and (4) are minor, it shall issue a public summons to bring the matter into legality within the specified time limit.
- (6) If several infringements referred to in paragraphs (1) and (2) are found in the course of a control, the following shall be added to the list of infringements. (3) and (4), the Audiovisual Council shall establish the definitive sanction for a series of infringements by accumulation, which may not exceed 100 000 lei.
- (7) For media service providers committing the infringements specified in paragraph (3) three or more times within one year, which are likely to harm the public interest, the Audiovisual Council may apply as an additional sanction the suspension of the right to broadcast audiovisual commercial communications for a period of up to 7 days;
- (8) The suspension of the broadcasting license, for a period of up to 7 days, shall be sanctioned to the media service provider who has violated the decision of the Audiovisual Council on the suspension of the right to broadcast audiovisual commercial communications referred to in paragraph (7).

(9) Media service providers and media service distributors who have violated the provisions of Article 11 paragraph (2) and/or Article 17 shall be sanctioned with a fine from 50 000 lei to 100 000 lei. For repeated infringement of the respective provisions, the fine shall amount from 100 000 to 200 000 lei.

(10) Media service providers or media service distributors who, after having been repeatedly sanctioned for violation of the provisions of Article 11 paragraph (2) and/or Article 17, as referred to in paragraph (8), within 12 months of the last sanction, have again violated the provisions of Article 11 paragraph (2) and/or Article 17 which are likely to harm the public interest.

(11) The media service provider or the media service distributor who has committed the same violation referred to in paragraph (1) at least 5 times the same violation referred to in paragraph (2), shall be sanctioned with the suspension of the broadcasting license or retransmission authorization for a period of not more than 2 months. (3) and (4) or at least 4 times in violation of Article 11 paragraph (2) and/or Article 17. The suspension of the broadcasting license or retransmission authorization shall be applied after the sanctions provided for in paragraphs (7) to (10) have been applied.

(12) The media service provider or the media service distributor to which one of the sanctions provided for in this Article has been applied has the obligation to communicate to the public the reasons for and the subject matter of the sanction in the manner indicated by the Audiovisual Council in the decision on the application of the sanction.

(13) The text of the sanction shall be broadcast within 48 hours from the date of the decision on the imposition of the sanction, with sound and/or visual at least 3 times during prime time, including once in the main audiovisual news program, in the case of generalist and/or news audiovisual media services, in accordance with the respective decision of the Audiovisual Council.

(14) The sanctioned media service distributor is obliged to place the text of the sanction on its official website within 24 hours and to maintain it for 7 days, in accordance with the decision of the Audiovisual Council on the application of the sanction.

(15) The broadcasting license shall be withdrawn in accordance with Article 27, and the retransmission authorization - in accordance with Article 54 paragraph (7).

(16) The decisions of the Audiovisual Council may be challenged in court in accordance with the provisions of the Administrative Code, without observing the prior procedure.

(17) In order to protect the national audiovisual space, the court shall examine the disputes arising from the violation of Article 4, Article 11 paragraph (2) and Article 17 within 30 days from the date of acceptance of the action

(18) Is prohibited the retransmission on the territory of the Republic of Moldova by media service distributors of audiovisual media for which they have been penalized according to Art.11 paragraph (2), Art.15 paragraph (6), Art.17 paragraph (3), Art. 55 paragraph (3) lit. c), Art.63 para.(7) and Art.66 para.(7). If, within 12 months from the date of the last sanctioning, the media service distributor does not commit other violations referred to in this paragraph, the prohibition is considered null and void.

Article 85. Cooperation with other public authorities

(1) In order to carry out its tasks, the Audiovisual Council shall cooperate with the public authorities of the Republic of Moldova.

(2) The procedure and conditions for cooperation with public authorities shall be laid down in cooperation agreements, which shall be published on the official websites of the contracting parties.

~~(3) The Audiovisual Council shall cooperate with the Competition Council in order to ensure fair competition in the audiovisual media services market and to prevent and exclude dominant positions in the formation of public opinion through media service providers.~~

~~(4) The Audiovisual Council shall cooperate with the regulatory authority in the field of electronic communications and information technology in order to ensure the functionality of the "one-stop shop" principle when issuing broadcasting licences.~~

~~(5) The Audiovisual Council shall cooperate with the authority responsible for medicinal products for the purpose of applying the legislation on audiovisual commercial communications for medicinal products and medical treatments.~~

~~(6) The Audiovisual Council shall cooperate with the authority for the protection of intellectual property objects as well as with organisations for the collective management of property rights in order to ensure the protection of copyright and related rights in the audiovisual field.~~

~~(7) The cooperation of the Audiovisual Council may be extended to areas other than those provided for in this Article, in accordance with the competence conferred by law on the respective authorities.~~

(8) The Audiovisual Council shall, in its annual activity report, reflect the results of cooperation with other public authorities.

Article 86. Cooperation with civil society

(1) For the exercise of its tasks, the Audiovisual Council shall cooperate with representative civil society organisations for the purpose of:

- a) the preparation of documents relating to the audiovisual sector;
- b) monitoring audiovisual media services;
- c) the elaboration of analyses, expertise and recommendations relevant to the audiovisual sector;
- d) consultation on important audiovisual issues;
- (e) ensuring other needs.

(2) Proposals and suggestions from representative civil society organisations shall have the character of recommendations to the Audiovisual Council.

(3) The Audiovisual Council shall reflect in its annual activity report the results of its cooperation with civil society.

Article 87. Responsibility of the Audiovisual Council

(1) The Audiovisual Council shall submit its annual activity report to the plenary session of Parliament.

(2) By 1 March of the following year, the Audiovisual Council shall submit its annual activity report to the relevant parliamentary committee and publish it on its official website.

~~(3) The annual activity report shall be debated in the relevant parliamentary committee, which shall present a report on it to the plenary session of Parliament.~~

~~(4) Rejection by Parliament of the annual activity report shall entail the automatic dismissal of the members of the Audiovisual Council.~~

~~(5) Notwithstanding the provisions of paragraph. (4), the member of the Audiovisual Council appointed in the year of submission of the activity report may not be dismissed.~~

Chapter XI

FINAL AND TRANSITIONAL PROVISIONS

Article 88. Entry into force of this Code

This Code shall enter into force on 1 January 2019, except:

- a) Article 6 paragraphs (4) and (5), the implementation of which shall be ensured gradually within 3 years from the date of entry into force of this Code;
- b) Article 6 para. (6), the implementation of which shall be ensured gradually within 5 years from the date of entry into force of this Code;
- c) Article 26 paragraph (1), which shall apply 6 months after the date of entry into force of this Code;
- d) Art.28 paragraph (4), Art.29, Art.33 paragraph (2), which shall apply 12 months after the date of entry into force of this Code.

Article 89.

(1) The Audiovisual Council is the legal successor of the Audiovisual Coordination Council.

(2) The members of the Audiovisual Coordinating Council shall remain in office until the expiry of their term of office.

(3) The members of the Board of Observers of the national public broadcasting institution „Teleradio-Moldova" Company shall hold office until the expiry of their mandates.

Article 90.

(1) Within 12 months from the date of entry into force of this Code, media service distributors shall adjust the structure of their audiovisual media service offerings to the provisions of Article 55.

(2) The provisions of Articles 57-60 shall apply 6 months after the date of approval by the Audiovisual Council of the procedure for notification and issuing of the licence for the provision of non-linear audiovisual media services.

Article 91.

(1) Broadcasting licences granted before the date of entry into force of this Code shall be valid until the expiry of the term for which they were issued and shall be extended by right in accordance with the provisions of this Code.

(2) The retransmission authorizations granted before the date of entry into force of this Code shall be valid until the expiry of the term for which they were issued.

(3) The retransmission authorization of the media service distributor "Moldtelecom" S.A. is valid until the expiry date of the term for which it was issued.

Article 92.

On the date of entry into force of this Code, the Broadcasting Code of the Republic of Moldova No.260/2006 (Official Gazette of the Republic of Moldova, 2006, No.131-133, Art.679), as amended, shall be repealed.

Article 93.

Within 6 months from the date of entry into force of this Code, the Government:

- (a) draw up and submit to Parliament proposals for bringing legislation into line with this Code;
- (b) bring its regulatory acts into conformity with this Code and ensure the preparation of the regulatory acts necessary for its implementation.

Article 94.

Audiovisual Council:

a) within 6 months from the date of entry into force of this Code:

- will establish regulations and take, within the limits of its powers, the necessary measures to protect the national audiovisual space;
- will establish regulations, including ensuring the right of access to linear audiovisual media services;
- will adopt the procedure for notification and issuing the licence for the provision of non-linear audiovisual media services;

b) within 12 months from the date of entry into force of this Code, approve the Regulation on audiovisual content.

(1) The provisions of Article 17¹ shall apply 6 months after the entry into force of this Law.

(2) On the date of entry into force of the provisions of Article 17¹, paragraph (4) of Article 17 shall be excluded.

(3) The provisions of Article 61² shall apply after 6 months from the date of approval by the Audiovisual Council of the declaration form for the provision of the video sharing platform.

(4) The General Director of the national public media service provider and the members of the Supervisory and Development Board of the national public media service provider, in office on the date of entry into force this Law, shall exercise their mandate until the expiry of the term for which they were appointed and respectively designated;

(5) The members of the Audiovisual Council, in office on the date of entry into force of this law, shall exercise their mandate until the expiration of the term for which they were appointed;

(6) The People's Assembly of Gagauzia shall, within 12 months from the entry into force of this law, bring the local normative acts on the regional public media service provider in line with the provisions of the Audiovisual Media Services Code of the Republic of Moldova.

Law Nr. 62
17-03-0222

on advertisement

Published: 08-04-2022 on Official Gazette Nr. 98-105 art. 171

MODIFIED

LP27 din 27.02.25, MO143/19.03.25 art.137; în vigoare 19.03.25

Parliament adopts this organic law.

This law establishes the legal framework necessary for the activity in the field of advertising in accordance with European legislation, also transposes into national law the provisions of Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 on misleading and comparative advertising (codified version) (text with EEA relevance), published in the Official Journal of the European Union L 376 of 27 December 2006.

Chapter I
GENERAL PROVISIONS

Articolul 1. Scope of law

This law aims to organize and develop the national advertising market on the basis of international principles and good practices in the field, including the principles of fair competition and the protection of the rights of consumers of advertising.

This law:

– transposes Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (codified version) Text with EEA relevance (CELEX No: 32006L0114), published in the Official Journal of the European Union L 376 of 27 December 2006;

– partially transposes Article 2, point 18, 19, and Article 25 of Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Regulation on freedom of the media) (Text with EEA relevance), (CELEX No.: 32024R1083), published in the Official Journal of the European Union L 2024/1083 of 17 April 2024.

Article 2. Object and scope of regulation

(1) The purpose of this law is to regulate the relations that arise between advertising providers, advertising producers, advertising distributors, advertisers and advertising consumers.

(2) Subject to this law are natural and legal persons who carry out activities in the field of advertising on the territory of the Republic of Moldova or who direct their activity to the Republic of Moldova or to several states, including the Republic of Moldova, in the sense provided by Article 3 of the Law on electronic commerce no. 284/2004.

(3) This law does not apply:

1) Information the dissemination of which is mandatory under the law, including:

a) information about a product, its manufacturer, importer or exporter, printed on the product concerned or its packaging;

b) any design element of a product, printed on the product concerned or its packaging and not related to other products;

2) Analytical and/or statistical information in the media, scientific or specialized publications;

3) signs and road signs not containing advertising;

4) advertisements and advertising spots broadcast by the media for the purpose of self-promotion.

Article 3. Meaning of the notions used

The notions used in this law have the following meanings:

authorization for advertising device – permissive act, issued by the authorized authority, whereby the holder is vested with a series of rights and obligations regarding the construction, construction and/or operation of the advertising device and related actions, indispensable to these activities;

code of conduct in the field of advertising – agreement or set of rules in the field of advertising, not imposed by legislation or administrative provisions, defining the behavior of traders who undertake to comply with them in connection with one or more commercial practices in one or more sectors of activity;

trader – any natural or legal person engaged in commercial, industrial (production), craft or self-employed activities and any person acting, for commercial purposes, on behalf of or for the benefit of a trader, including the company and individual entrepreneur;

advertising consumer – the person whose interest is aroused in relation to the object of advertising;

identification data in advertising:

a) in the case of natural person – first and last name;

b) in the case of the legal person – the full or abridged name, established by the instrument of constitution and duly registered;

refutation of advertising – refutation of advertising containing false information;

advertising distributor – any person, including the media, who disseminates advertising to advertising consumers;

fixed advertising device – part of urban furniture, representing a fixed construction, built in public spaces, which serves as a support for advertising image in outdoor advertising;

mobile advertising device – movable decor elements, easily removable, located in public spaces, intended for indoor advertising or outdoor advertising, as appropriate;

advertising distributor – the person distributing advertising to the advertising speaker in the interest of the advertising provider;

public sector entity:

a) any public authority, including from the autonomous territorial unit with special status ~~any public central authority;~~

b) any public institution, state or municipal enterprise, commercial company with fully or partially public capital or private legal entity whose activities are financed entirely or partially from the state budget and/or local budget or which is being controlled indirectly by a public authority ~~any authority of the local public administration, including any authority of the local public administration in the autonomous territorial unit with special status;~~

~~c) any other authority created by the State in the person of the public authority, having as purpose the exercise of administrative, social and cultural duties and other non-commercial duties;~~

~~d) any state or municipal enterprise;~~

~~e) any company which has, as a member, one of the entities referred to in point a)–d);~~

~~f) any public institution or other non-commercial organisation that has, as a member, one of the entities referred to in point a)–d);~~

~~g) any private-law commercial organization whose activities are financed/paid in whole or in part from the state budget;~~

~~h) any other person declared, by Government decision, as a public sector entity;~~

company – inscription placed on the building in which a trader operates or in an adjacent place, specially arranged, having as object the name, trademark, logotype/emblem, program of activity and/or types of activity of the respective trader and, where appropriate, design elements and artistic/architectural arrangement;

advertising provider – the person determining the object of advertising;

advertising image in outdoor advertising – advertising of fluctuating character, printed/displayed on the advertising device, reproduced on an electronic screen and/or projected on different surfaces by optical systems;

directional advertising indicator – the document, form or image indicating a direction or proximity of a goal or property in which a particular activity is carried out;

public interest message – public announcement or information campaigns aimed at promoting values, ideas and/or goals of public or community interest, disseminated with a view to raising awareness, changing attitudes and social behaviour, preventing and counteracting social vices ~~publicitatea ce are ca obiect promovarea unor valori, idei și/sau scopuri de interes public ori comunitar, difuzată în vederea creșterii gradului de conștientizare, schimbării atitudinii și a comportamentului social, prevenirii și contracarării viciilor sociale;~~

object of advertising – natural persons and/or legal persons, material goods and/or immaterial goods, services (works), values and/or purposes of public or community interest, ideas, initiatives, campaigns, events and/or means of their individualization;

passport of the advertising device – document containing the layout scheme and other information on the advertising device and which is the basis for issuing the authorization for the advertising device;

extra-electoral period – the period of time from which the electoral period provided in Article 1 of the Electoral Code is excluded;

advertising producer – the person who gives the advertising, in whole or in part, the final form required for broadcasting;

product – any good and/or service (work) intended for consumption or use, including immovable property, electricity, heat, gas and water delivered for consumption, and the rights and obligations thereof;

advertising – information disseminated in any way and using any means, addressed to an indeterminate number of people, in order to generate and/or support the public interest towards an object of advertising;

immoral advertising – advertising that violates the norms of morality generally accepted in society;

audiovisual advertising – advertising and other forms of audiovisual commercial communications broadcast by linear audiovisual media services and/or non-linear audiovisual media services;

commercial advertising – advertising that has as its object one or more traders and/or the means of individualization of it/these, one or more products and/or the means of individualization thereof/these, also events/actions (product launches and the like);

comparative advertising – advertising that explicitly or implicitly identifies a competitor of the trader or one or more products offered by a competitor;

state advertising - the placement, promotion, publication or dissemination, in any media service or online platform, of a promotional or self-promotional message, or of a public announcement or information campaign, normally in exchange for payment or remuneration by, for or on behalf of a public sector entity;

discriminatory advertising – advertising which has as its object any distinction, exclusion, restriction or preference in the rights and freedoms of a person or group of persons, as well as the support of discriminatory behaviour based on the actual or alleged criteria of a person or group of persons concerning race, nationality, profession, origin or social category, age, sex, language, religious, philosophical, political or other beliefs;

outdoor advertising (outdoor) – advertising broadcast on advertising devices located in public spaces outside buildings and which is visible outside buildings. This also includes advertising disseminated through advertising devices located on/in means of transport;

temporary external advertising – advertising broadcast on mobile advertising devices, for a period of no more than 30 days, on the occasion of events, cultural manifestations, sports, etc. and/or for promotional actions of products or activities, which can be mounted/disassembled in no more than 24 hours in/out of all locations approved by authorization for advertising device;

indoor advertising – advertising broadcast on mobile advertising devices in public spaces inside buildings and not visible outside buildings;

advertising in the written press – advertising broadcast in periodicals in printed version;

misleading advertising – advertising which, in any way, including the manner in which it is presented, induces or is likely to mislead the consumer of advertising and which, owing to its

misleading nature, may affect the economic behaviour of the advertiser or which, for that reason, prejudices or may prejudice a competitor of the trader;

online advertising – advertising broadcast in digital media, on social networks, by electronic mail, through search engines, on blogs and/or on other web pages;

targeted (targeted) online advertising – differentiated online advertising, personalised based on geographical, demographic, socio-economic and/or behavioural criteria;

penetrating advertising – advertising accessible to consumers of advertising on the territory of the Republic of Moldova, for whose dissemination the payment to an advertising speaker in the Republic of Moldova was not made;

advertising on vehicles – advertising disseminated by affixing posters on/in vehicles or by painting vehicles for advertising purposes;

political advertising – advertising that has as its object one or more subjects of political advertising or their activity, one or more political projects (causes, initiatives, ideas, etc.) and/or one or more symbols (expressions, drawings, images, voices, etc.) used by one or more subjects of political advertising;

sexist advertising – advertising that has as its object:

a) presenting the woman or man as a sexual object in humiliating/degrading/violent situations and offending the dignity of the person; and/or

b) promoting sexist stereotypes for discriminatory purposes, with maintaining the traditional perception of women as a weak, vulnerable and dependent being, having a lower social position;

subliminal advertising – advertising in which too weak stimuli are used to be consciously perceived, but which may influence the behavior of the advertising consumer;

responsible for the advertising code of conduct – any entity, including a trader or a group of traders, responsible for drafting and reviewing a code of conduct in the field of advertising and/or supervising compliance with that code by those who have committed to it;

subjects of political advertising – electoral contestants, political parties, members of political parties, persons who have publicly stated their support for a political party in the last 3 months, socio-political organizations, members of socio-political organizations, persons who have publicly stated their support for a socio-political organization in the last 3 months, initiative groups to support candidates for elective positions, and initiative groups to initiate a referendum, persons who, in the last 3 months, have publicly stated their support for one or more of the initiative groups mentioned, as well as their activity;

display area – surface of advertising device, mobile or fixed, intended for display of advertising images.

[...]

Article 7. Identification and content of advertising

(1) Advertising must be identified without the consumer of advertising having special knowledge.

(2) Advertising must contain information that corresponds to reality. This provision does not affect current and legitimate advertising practices that consist in making exaggerated statements or statements that are not to be understood literally.

(3) It is prohibited:

a) subliminal advertising;

b) deceptive advertising;

c) immoral advertising;

d) discriminatory advertising;

e) sexist advertising;

f) advertising that may cause panic, incite violence or actions dangerous, to the extent of harming health or threatening people's security;

g) advertising that encourages, directly or indirectly, illegal behavior;

h) advertising that unjustifiably contains images of dangerous situations, actions, exercises, habits, through which security or security means are ignored;

- i) advertising that denigrates products, services or professions, even without being explicitly mentioned;
- j) advertising that uses the state symbols of the Republic of Moldova or other states without authorization;
- k) advertising that is not accompanied by the advertising identification data and/or the means of individualization of the advertising provider or the advertising broadcaster;
- l) advertising containing text that is inappropriate from the point of view of current spelling rules.

Article 8. Advertising distribution contract

(1) The dissemination of advertising takes place on the basis of the advertising dissemination contract, concluded in writing between the advertising distributor and the advertising broadcaster, except for the cases provided for by this law.

(2) The advertising distributor may simultaneously have the status of a provider of advertising and/or advertising producer.

(3) The advertiser has the right to request the advertising distributor confirmation:

- a) the right to use in advertising objects protected by copyright and/or related rights;
- b) the right to use personal data in advertising, including the name and surname, image and/or voice of a natural person;
- c) the right to broadcast advertising in the interest of the advertising provider, except in cases where the advertising distributor also has the status of advertising provider;
- d) the fact that the content of the advertisement complies with the provisions of the legislation on advertising.

(4) In the event of the refusal of the advertising distributor to assume liability in accordance with paragraph (3), the advertising broadcaster has the right to refuse to conclude the advertising distribution contract, including in the event that the respective contract can be concluded verbally.

Chapter II POLITICAL ADVERTISING

[...]

Chapter II¹ STATE ADVERTISING

Article 11¹. The object of state advertising

(1) State advertising has as its object a promotional or self-promotional message, or a public announcement or information campaign carried out by placing, promoting, publishing or broadcasting, in any media service or online platform, by, for or on behalf of a public sector entity.

(2) State advertising is carried out for a fee, based on contracts concluded by public sector entities with media service providers or online platforms.

(3) Public announcements that are justified by an imperative reason of public interest, transmitted by public sector entities in the event of a state of emergency, ~~including in public health, siege and war~~, are not considered state advertising and are placed, promoted, published or broadcast free of charge.

(4) During the electoral period, state advertising shall be broadcasted under the conditions provided for in Article 17, paragraph (2).

(2)

Article 11². The content of state advertising

(1) The content of state advertising must comply with the provisions of Article 7.

(2) State advertising must contain:

- a) the generic "State advertising";
- b) the advertising identification data of the public sector entity;

Article 11³. Allocation of public funds, agreements of service contracts and reporting on the dissemination of state advertising

(1) Public funds or any other remuneration or advantage made available, directly or indirectly, by public sector entities to media service providers or online platform providers for state advertising or for supply or service contracts concluded with media service providers or online platform providers, shall be granted in accordance with transparent, objective, proportionate and non-discriminatory criteria and procedures, made available to the public in advance by electronic and user-friendly means.

(2) The criteria referred to in paragraph (1) aim at least:

- a) the diversity of media services;
- b) editorial independence of the media service;
- c) thematic profile, language and target audience of the media service;
- d) compliance with professional and ethical standards by the media service;
- e) transparency of the media service's activity, including funding sources.

(3) This Article does not affect the award of public procurement contracts and concession contracts or the application of State aid rules.

(4) If the estimated value of state advertising contracts planned during a calendar year exceeds 100,000 lei, the public sector entity is obliged to publish in the Public Procurement Bulletin the tender notice for the procurement of state advertising. The notice must also contain the criteria referred to in paragraph (2).

(5) Public sector entities and media service providers and/or online platform providers shall make available to the public annually, through electronic and user-friendly means (official websites), a Report on State Advertising. The report of public sector entities shall contain at least the following information:

- a) the legal names of the media service providers or online platforms from which services were purchased;
- b) the total annual amount spent and annual amounts allocated per media service provider or provider of online platform;

(6) public sector entities that have purchased state advertising broadcasting services will submit the Annual Report referred to in paragraph (5) through the automated information system "State Register of Public Procurement".

Article 11⁴. Authority responsible for monitoring procedures for allocating public funds for state advertising

(1) The Public Procurement Agency is the authority responsible for monitoring the compliance of public procurement procedures for state advertising.

(2) The Public Procurement Agency annually prepares a Report on public procurement of state advertising carried out by public sector entities, which it publishes by 1 March of the following year on the official website.

**Chapter III
MESSAGES OF PUBLIC INTEREST****Articolul 12. Object of messages of public**

Messages of public interest can have as object:

- a) values and constitutional principles;
a¹) promoting European values and the strategic objective of European integration
- b) fundamental human rights and freedoms;
- c) healthy lifestyle and health care;
- d) the rights and obligations of natural persons, including foreign citizens and stateless persons residing or residing temporarily in the territory of the Republic of Moldova;
- e) the rights and obligations of public institutions and central and/or local public authorities, the conditions of access and use of public services provided free of charge by public institutions and authorities;
- f) environmental protection;

- g) informing citizens of elections and/or referendums in electoral periods, in accordance with electoral legislation;
- h) legal/normative provisions which, due to their novelty and social impact, require additional information measures;
- i) decisions or actions concerning public security;
- j) preventing risks or damages of any kind to human health or natural heritage;
- k) renewable energy resources and/or the integrity of energy resources;
- l) social protection of the population;
- m) promoting the consumption of domestic products;
- n) the linguistic, cultural and historical heritage of the Republic of Moldova;
- o) cultural and/or social diversity;
- p) other values and/or purposes of public interest, provided for in this law ~~other values and/or purposes of public interest provided for in this Law and/or in the Plan for the dissemination of messages of public interest.~~

Article 13. Content of messages of public interest

- (1) In the case of messages of public interest, the provisions of art. 7.
- (2) Each public interest message broadcast free of charge must contain:
 - a) generic „Message of public interest”;
 - b) information on the free nature of the dissemination of the message of public interest;
 - ~~e) the number and date of the contract for the dissemination of the public interest message, except for the case provided for in Article 14 para. (5).~~
- (3) Each public interest message broadcasted for payment must contain:
 - a) generic „Message of public interest”;
 - b) the date of the payment order for the dissemination of the public interest message, in the case of prepayment;
 - c) the identification data in advertising of the person who paid for the dissemination of the public interest message or the means of individualization of this person, ~~except for the information provided in par. (4).~~
- (4) Public interest messages may not contain any of the following information:
 - a) which are not intended to promote values and/or purposes of public interest;
 - b) on managerial achievements and/or objectives achieved by public sector entities;
 - c) which constitute political advertising;
 - d) which aim to influence the process of adopting certain normative acts;
 - e) which constitutes commercial advertising;
 - f) which exploits human suffering by prejudicing the dignity of the person;
 - g) resorting to shocking facts, such as to justify exaggerated demands or induce feelings of fear or anxiety;
 - h) which makes those who disagree with the message contained therein feel guilty or indebted;
 - i) requesting a contribution in money from minors;
 - j) on cultural or sports events to which access is paid.
- (5) If the public interest message of a public sector entity contains the information referred to in paragraph.(4) letter b), it may be disseminated only as ~~state advertising commercial advertising.~~
- (5¹) In the case of a public interest message from a public sector entity, it may be broadcast free of charge only with the consent of the advertising broadcaster.
- (6) In the case of the broadcast of public interest messages free of charge, the advertiser shall be obliged:
 - a) require the advertiser to remove the person's identification data in advertising and the means of individualisation, if that person is a public sector entity or a non-commercial organisation; and/or
 - b) to broadcast the public interest message without the identification data in the advertising and without the means of individualization of the person, unless the content of the public interest message is essentially distorted.

Article 14. Contract for the dissemination of messages of public interest

(1) During the extra-electoral period, the provisions of Article 8 of this law are applicable in the case of contracts for the dissemination of messages of public interest. During the electoral period, the provisions of Article 8 of this law shall apply in accordance with the Electoral Code.

(2) The contract for the dissemination of messages of public interest shall be concluded in written form, except for the case provided in par. (5).

(3) The public sector entity is obliged to conclude contracts for the broadcasting of public interest messages in accordance with provisions of Article 11, paragraph (1)-(4). The public sector entity has the right to conclude contracts for the broadcasting of public interest messages only if the subject matter of these messages meets the conditions set out in Chapter III of this law and corresponds to the attributions/competences of the entity. ~~The public sector entity is required to conclude contracts for the dissemination of public interest messages in accordance with public procurement and competition law. The public sector entity is entitled to conclude contracts for the dissemination of public interest messages only if the subject matter of these messages corresponds to:~~

~~a) the tasks/competences of that public sector entity;
b) a category of messages of public interest provided in the Plan for the dissemination of public interest messages.~~

(4) All information in contracts concluded by public sector entities for the production, distribution and/or dissemination of public interest messages is information of public interest.

(5) The private advertising broadcaster has the right to broadcast messages of public interest in the absence of a contract for the dissemination of messages of public interest if it has, at the same time, the status of advertising provider and advertising producer **or broadcasts the public interest message free of charge.**

Article 15. Planning and reporting on public interest messages of public sector entities

(1) The planning of the dissemination of public interest messages is ensured by public sector entities, through the annual development and approval of the Public Interest Messages Dissemination Plan, which contains the following information:

- a) The significance and objectives determined in accordance with Article 12;
- b) The estimated cost of production, distribution and dissemination;
- c) Source of financing;
- d) Implementation period;
- e) The communication tools used.

(2) The plan for broadcasting public interest messages shall be published on the official website of the public sector entity.

(3) Public sector entities and media service providers and/or providers of online platforms shall ensure the publication of the annual report on the dissemination of public interest messages, in accordance with the provisions of Article 11, paragraphs (5) and (6).

~~(1) The planning, technical assistance, evaluation and monitoring activity in the field of public interest messages dissemination of public sector entities is coordinated by the Council on messages of public interest.~~

~~(2) The members of the Council on messages of public interest shall carry out their activity in public meetings, without being remunerated.~~

~~(3) The structure, mode of establishment, organization and functioning of the Council on messages of public interest shall be established and approved by Government decision.~~

~~(4) Annually, based on the proposals of public sector entities, the Council on messages of public interest elaborates and proposes for the Government's examination the Plan for the dissemination of messages of public interest.~~

~~(5) The public interest message dissemination plan shall contain the following information on each category of public interest messages planned for dissemination:~~

- ~~a) the significance and objectives determined in accordance with art. 12;~~
- ~~b) the estimated cost of production, distribution and dissemination;~~
- ~~c) the source of funding;~~
- ~~d) the implementation period;~~

~~e) the communication tools used.~~

~~(6) The plan for the dissemination of messages of public interest shall be adopted and reviewed by decision of the Parliament, upon the proposal of the Government.~~

~~(7) The annual report on the implementation of the Plan for the dissemination of messages of public interest is submitted by the Council on messages of public interest to the Government, which presents it to the Parliament at the beginning of each spring session of the supreme legislative body.~~

Article 16. Language of the broadcast of messages public interest

(1) Public interest messages are broadcast in Romanian. Messages of public interest may be translated and disseminated in the languages of national minorities.

(2) Within the autonomous territorial unit with special status, messages of public interest shall be disseminated in the official languages of the autonomous territorial unit with special status.

Article 17. Requirements for the dissemination of messages public interest

(1) Advertisers have the right to broadcast messages of public interest:

a) whose advertising providers are public sector entities – in accordance with Articles 8 (3) and (4) and 14 para. (2);

b) whose advertising providers are non-commercial organizations registered in the Republic of Moldova – in accordance with Article 8 (3) and (4);

c) on their own initiative – in accordance with Article 14 para. (5).

(2) During the electoral period of the general elections, only public interest messages approved by the Central Electoral Commission are broadcast.

(3) Advertising distributors and advertisers are obliged to keep the advertising material, in original or in copies, including changes subsequently made, during one year from the day of the last broadcast of the public interest message.

[...]

Chapter IX

STATE CONTROL, MONITORING AND SANCTIONS IN THE FIELD OF ADVERTISING

Article 50. Control of compliance with legislation with regard to advertising

(1) The control of compliance with the legislation on advertising is carried out by:

a) Competition Council – within the limits of its powers provided by the Competition Law no.183/2012;

b) Audiovisual Council – within the limits of its duties provided for by the Code of audiovisual media services in the field of advertising and other forms of audiovisual commercial communications, broadcast by linear audiovisual media services and non-linear audiovisual media services;

c) Police – within the limit of its duties provided by Law no.131/2007 on road traffic safety and Law no. 320/2012 on the activity of the Police and the status of the policeman.

d) Public Procurement Agency - within the limits of its powers provided for by Law No. 131/2015 on public procurement.

(2) The Competition Council shall submit, in a separate chapter of the annual activity report, the following information on the enforcement of advertising legislation:

a) a general feature of the advertising market;

b) relevant data relating to the advertising market, including its volume;

c) the necessary actions taken or to be taken in order to comply with the advertising legislation;

d) the impact of the actions taken or to be taken on the situation in the field of advertising;

e) other information relevant to the enforcement of advertising legislation.

Article 51. Monitoring of compliance with legislation
on external advertising

(1) In external advertising, monitoring of compliance with the legislation is carried out in accordance with the legislation in force.

(2) Annually, until March 31, the information on the number of fixed advertising devices and the total area of display that any person owns in each administrative-territorial unit is submitted to the Competition Council by the territorial architectural bodies and the authorities referred to in Article 32 para. (1).

(3) The issuing authorities of authorisations for advertising devices shall monitor compliance with the advertising legislation in the segment of external advertising, in accordance with their own duties.

(4) Monitoring of compliance with the requirements of the legislation on the location and operation of fixed advertising devices is exercised by the authorities referred to in Article 32 para. (1). The act of control of the authorities referred to in Article 32 (1), which reflects the violations of the legislation and the requirements of entry into legality, shall be presented to the holder of the authorization for the advertising device.

(5) Where the holder of the advertising device authorisation does not remove the infringements referred to in paragraph (4) within 5 working days, the authority issuing the authorisation shall apply the penalties provided for by the legislation or inform the competent authorities to apply the sanctions.

Article 52. Liability for infringement of advertising legislation

(1) For violation of the law on advertising, individuals and legal entities shall be liable in accordance with the law.

(2) The advertising provider is responsible for presenting false information for the production of advertising. The burden of proof on the authenticity of advertising lies with the advertising provider.

(3) The advertising producer is responsible:

- a) presentation for distribution/dissemination of subliminal advertising;
- b) infringement of copyright and related rights;
- c) the violation of the right to its own image;
- d) in other cases expressly provided for by the law on advertising.

(4) In case of impossibility to identify the advertiser, the responsibility for the facts referred to in paragraph (3) rests with the advertising provider and/or the advertising distributor.

(5) The advertising distributor is responsible:

- a) the presentation of subliminal advertising;
- b) the content of the advertising they present for dissemination, which could or are infringed the provisions of the law on advertising;
- c) in other cases expressly provided for by the law on advertising.

(6) In case of impossibility to identify the advertising distributor, the responsibility for the facts referred to in paragraph (5) rests with the advertising speaker.

(7) The advertising speaker is responsible:

- a) the dissemination of advertising in breach of the requirements of child protection legislation in the field of commercial advertising;
- b) breach of the provisions of the legislation on the place, time and/or means of advertising dissemination;
- c) the dissemination of political advertising in violation of the provisions of Article 9 para. (2)–(4);

d) the dissemination of political advertising in the absence of a contract and/or infringement of the law on the payment of political advertising services;

e) the dissemination of messages of public interest in violation of the provisions of Article 13 para. (2)–(6);

f) the dissemination of messages of public interest in the absence of a contract and/or infringement of the legislation on the payment of services for the dissemination of messages of public interest;

- g) in other cases expressly provided for by the law on advertising.

(8) Advertisers and consumers whose rights have been infringed as a result of the dissemination of advertising are entitled to bring proceedings before the court on the recovery of damage, including lost income and damage to health, on the compensation of moral and/or material damage, as well as in order to deny publicity.

(9) Advertisers and consumers have the right to bring legal proceedings in accordance with paragraph (8) no later than 3 months from the day of the last publication of the advertisement. This is a limitation period.

(10) The action may be reinstated, for good reasons, and beyond the deadline specified in paragraph (9), but no later than 6 months from the day of the last broadcast of the advertising. The term 6 months is a term of decay.

Chapter X **Final and transitional provisions**

PREȘEDINTELE PARLAMENTULUI

Igor GROSU

Nr. 62. Chișinău, 17 martie 2022.

19-03-2025

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