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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

LAW NO. 143 OF 2 JUNE 2022

ON AMENDMENTS TO THE AUDIOVISUAL MEDIA SERVICES CODE

LAW**on the amendment of the Audio-visual Media Services Code of
the Republic of Moldova No 174/2018**

Parliament adopts this organic law.

Art. I. - The Audio-visual Media Services Code of the Republic of Moldova No. 174/2018 (Official Gazette of the Republic of Moldova, 2018, No. 462-466, Art. 766), with subsequent amendments, is amended as follows:

1. In the Code, the words "participant in" and "participants in" are replaced by the words "which has ratified" and "which have ratified" respectively.

2. Article 1:

after the notion "market share" a new notion is inserted with the following content:

"*disinformation* - the intentional dissemination of false information designed to harm an individual, a social group, an organization or the security of the state;"

in the notion "information security", the words "from outside" are replaced by the words "inside and/or outside the country".

3. Article 5 shall be supplemented by paragraph 2 with the following content:

"(2) As concerns television services, at least 50% of the audio-visual programmes acquired from abroad must originate in the Member States of the European Union and in the States which have ratified the European Convention on Transfrontier Television."

4. The following paragraphs 4 to 8 are added to Article 6:

"(4) As concerns linear audio-visual media services, media service providers are required to reserve at least 50% of the transmission time of each service for European audio-visual works, less the time allocated to news, sports events, games, advertising, teletext services and teleshopping.

(5) As concerns non-linear audio-visual media services, media service providers are obliged to reserve at least 30% of their programme catalogue for European audio-visual works and to highlight them.

(6) As concerns linear audio-visual media services, media service providers are obliged to reserve for European audio-visual 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.

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

(8) The provisions of this Article shall not apply to radio broadcasting services, local and community television services, audio-visual news media services, audio-visual sports programmes and audio-visual media services exclusively devoted to advertising and teleshopping."

5. In Article 17:

paragraph 3 shall be supplemented by the text "disinformation, propaganda of military aggression, extremist content, content of a terrorist nature or which poses a threat to national security";

paragraph (4) shall read as follows:

"(4) In order to protect the national audio-visual space and ensure information security:

(a) media service providers shall not broadcast, and media service distributors shall not retransmit, audio-visual television and radio programmes with news, information and analysis, military and political content which have been produced in States other than the Member States of the European Union, the United States of America, Canada and the States which have ratified the European Convention on Transfrontier Television, with the exception of films and entertainment programmes which have no military content;

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

the article shall be supplemented by paragraph (6) with the following content:

"(6) In order to secure the national audio-visual space, the Audio-visual Council shall ensure the implementation of the necessary measures under the conditions of Law no. 212/2004 on the regime of emergency, siege and war."

6. Article 27:

in point (g), the text "Article 84(10)" is replaced by the text " art. 84 par. (10) and (10³)";

the article shall be supplemented by point h) with the following content:

"(h) the media service provider whose broadcasting licence has been suspended in accordance with Article 84(9¹) of this Code does not remedy the breach."

7. In Article 28(1), the words 'and operating in the form of companies or firms' are deleted.

8. Article 55:

paragraph (3):

in point (b), after the words 'Member States of the European Union,' insert the words 'United States of America, of Canada';

paragraph shall be supplemented by point c) with the following content:

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

the article shall be supplemented by paragraph (12) with the following content:

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

9. Article 63 shall be supplemented by paragraph 7 with the following content:

"(7) Audio-visual 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."

10. In Article 66, paragraph (7) shall read as follows:

"(7) Media service distributors shall not have the right to retransmit audio-visual media services outside the jurisdiction of the Republic of Moldova which contain advertising and teleshopping expressly and with some regularity addressed to the public in the Republic of Moldova."

11. In Article 75:

paragraph (3) shall be supplemented by letter l) with the following content:

"l) the regulations on the implementation of the necessary measures under the Law no. 212/2004 on the regime of emergency, siege and war."

paragraph (4) shall be supplemented by point a¹) with the following content:

"a¹) shall monitor the national audio-visual media and, in the event that disinformation is found in linear and non-linear audio-visual media services or in retransmitted audio-visual media services, shall order repeated monitoring within 7 days;"

12. In Article 80, paragraph (6) shall read as follows:

"(6) During the election period, decisions adopted by the Broadcasting Council on the examination of appeals shall be published on the Council's official website within 24 hours of their adoption."

13. Article 83:

is completed with paragraph (4¹) with the following content:

"(4¹) During the electoral period, the Audio-visual Council shall examine complaints/petitions or ex officio control concerning disinformation actions within a maximum of 5 working days from the date the complaint/petition is filed or from the date the ex officio control is initiated."

in paragraph 7, the text "10 working days" is replaced by the text " 5 calendar days ".

14. Article 84:

in paragraph 3(a), the text "Art. 4 para. (3), (4) and (6) to (9)," is deleted;

paragraph 4 shall be completed at the end with the text " with the exception of Article 55(3) let. c) ";

paragraph (6) shall be supplemented by point f) with the following content:

"f) failure to comply with the provisions of Article 4 para. (3), (4) and (6) to (9)."

the article shall be supplemented by paragraph (8¹) with the following content:

"(8¹) Media service providers who have repeatedly infringed the provisions of Article 4(3), (4) and (6) to (9) within a period of 12 months shall be punished by suspension of the right to broadcast audio-visual commercial communications for a period of up to 3 months. The suspension of the right to broadcast audio-visual commercial communications shall be applied after the sanctions provided for in paragraphs (6) to (8) of this Article have been gradually applied."

the article shall be supplemented by paragraphs (9¹)-(9³) with the following content:

"(9¹) A media service provider who has violated the decision of the Audio-visual Council on the suspension of the right to broadcast audio-visual commercial communications referred to in paragraph 1 shall be sanctioned with the suspension of the broadcasting licence for a period of up to 60 days. (8¹).

(9²) A fine from Lei 25000 to Lei 30000 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).

(9³) A fine from Lei 40000 to Lei 70000 shall be imposed on media service distributors who have repeatedly infringed the provisions of Article 55 para. (3) let. c), Art. 63 para. (7) and Art. 66 para. (7). "

in paragraph 10, the text "paragraph. (4) to (8)" is replaced by the text "par. (4)-(8¹)";

the article shall be supplemented by paragraphs (10¹)-(10⁴) with the following content:

"(10¹) A fine of Lei 40000 to Lei 70000 shall be imposed on media service providers who broadcast content qualified as disinformation.

(10²) A fine of Lei 70000 to Lei 100000 shall be imposed on media service providers who, after having been sanctioned in accordance with para. (10¹) of this Article, have repeatedly disseminated contents qualified as disinformation.

(10³) Media service providers who, after having been sanctioned in accordance with paragraph (10²) of this Article, have repeatedly broadcast contents qualified as disinformation, are found guilty of having infringed the provisions of this Article, shall be subject to the suspension of their broadcasting licence for a maximum period of 7 days.

(10⁴) Suspension of the right to broadcast audio-visual commercial communications for a maximum period of 7 days may be imposed as an additional sanction for infringement of the provisions of Article 4(3) to (9) and Art. 13 para. (1)(b) and (4) and (6). "

paragraph 15 is finally completed with the text "without the need for a prior application";

in paragraph 16, the words "the provisions of Article 1 (2) and Article 17" is replaced by the text " provisions of Article 4, Article 11(2) and Article 17";

the article shall be supplemented by paragraph (18) with the following content:

"(18) Audio-visual media services retransmitted by media service distributors for which they have been sanctioned in accordance with paragraph (9²) and (9³) shall be banned for retransmission on the territory of the Republic of Moldova for a period of at least 1 year."

Art. II - (1) This Law shall enter into force on the date of its publication in the Official Gazette of the Republic of Moldova, except for the provision of Article I, item 4, concerning the addition of paragraph (6) of Art. 6 of the Audio-visual Media Services Code No. 174/2018,

which shall enter into force after the expiry of 2 years from the date of entry into force of this Law.

(2) Government:

a) within one month from the date of entry into force of this Law, shall establish, within the Government, the Coordinating Council for ensuring information security;

b) within 3 months from the date of publication of this law, examine the need and submit to the Parliament possible proposals to bring the legislation in force in line with this law.

(3) The Broadcasting Council shall, within 60 days from the date of entry into force of this Law, bring its regulatory acts into conformity with this Law and shall ensure the examination and approval of the administrative acts necessary for its implementation.

(4) Holders of retransmission authorizations shall, within 6 months from the date of entry into force of this Law, adjust the offer of audio-visual media services to the provisions of Article 63 para. (7) and Art. 66 para. (7) of the Audio-visual Media Services Code no. 174/2018.

PRESIDENT OF PARLIAMENT

IGOR GROSU

**Chisinau, June 2, 2022.
No. 143.**