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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

**CODE OF AUDIOVISUAL MEDIA
SERVICES**

Confirming the adhesion of the Republic of Moldova to the European standards regarding the freedom of expression and access to audiovisual media services, grounding on Article 66 let. d), Article 72 paragraph (3) let. r), Article 126 paragraph (2) let. a)-b) and Article 132 paragraph (1) of the Constitution of the Republic of Moldova,

The Parliament passes this Code.

This Code transposes the Directive 2010/13/UE 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 no. L 95 of 15 April 2010.

Chapter I GENERAL PROVISIONS

ARTICLE 1. Definitions

For the purposes of this Code, the following definitions shall apply:

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

autonomous public authority – institution that meets the following cumulative requirements:

- a) is established by law;
- b) carries out its activity on the territory of the Republic of Moldova according to the legislation in force;
- c) acts under a public power regime in order to achieve a public interest;
- d) uses public financial resources;
- e) is competent to issue normative acts;
- f) is not subordinated to the Government and has no other overarching administrative authority;
- g) reports to Parliament on the work carried out;

retransmission licence – the legal act issued by the Broadcasting Council granting the media service distributor the right to retransmit an offer of audiovisual media services;

on-demand audiovisual media service (non-linear service) notification – act issued by the Broadcasting Council confirming receipt of the notification from a media service provider of the intention to make non-linear audiovisual media services available to the public;

audiovisual communication – making the various audiovisual programmes available to the public by using terrestrial frequencies and different technical means (transmitters, satellites, cable, etc.);

audiovisual commercial communication – sound or image announcements (with or without sound), which are meant to promote, directly or indirectly, the goods, services or the image of natural or legal person. These messages either accompany or are included in an audiovisual programme in return for a payment or similar consideration or for self-promotion purposes. Audiovisual commercial communications may take the form of advertising, sponsorship, teleshopping, product placement and other forms;

surreptitious audiovisual commercial communication – the representation by sounds 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 a representation is intended for advertising purposes and may mislead the public regarding its nature. Such representations are deemed intentional, especially when they are made in return for a payment or 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 from:

- (a) the right to ownership or to use all or part of the assets of a legal person;

(b) rights or contracts conferring a decisive influence on the structure, votes or decisions of the governing bodies of the legal person.

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

market share – the percentage ratio between the average number of users of an audiovisual media service over a given time frame and the average number of users of all relevant audiovisual media services, calculated for the same time frame;

hate speech – a message that propagates, incites, promotes or justifies racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance or sex, race, nationality, religion, disability or sexual orientation discrimination;

media service distributor – any entity, compiling and making available to the public an offer of retransmitted programme services, on the basis of contract relationships with media service providers or with the entities authorised under law;

exclusivity rights – rights obtained by a media service provider on the basis of a contract, from the organiser of an event and/or from the owner or, as the case may be, the administrator of the venue where the event takes place, from authors and/or from other right holders, with the view of exclusive broadcasting by that media service provider, within a pre-set geographical area;

programmed duration – a time period comprising the effective duration of the audiovisual programme or of the part of the programme and, as the case may be, the duration of the advertising broadcast within them;

event of major importance – event included in the list approved by the Broadcasting Council and which may be of a major interest for a significant part of the public, carried out by an event organiser having the legal right to market the rights related to that event;

media service provider – a natural or legal person having editorial responsibility for selecting the audiovisual content of the media service and establishing the mode of its organisation;

national media service provider – a broadcaster, the linear audiovisual media services of which are designed for public at national level and may be received by at least 2/3 of the population of the Republic of Moldova;

regional media service provider – a broadcaster, the linear audiovisual media services of which are designed for public at regional level and may be received by at least 1/3 of the population of the Republic of Moldova;

local media service provider – a broadcaster, the linear audiovisual media services of which are designed for public at local level and may be received by at least 1/3 of the population of the Republic of Moldova;

video-sharing platform provider – natural or legal person providing a video-sharing platform service;

multiplex provider – a natural or legal person, registered in the Republic of Moldova and authorized, under the law, by the central public authority regulating the market of electronic communications and information technology services whose activity consists, in whole or in part, in the installing, managing its own electronic communications network through which a multiplex is made;

broadcasting licence – the legal act issued by the Broadcasting Council, by which a broadcaster under the jurisdiction of the Republic of Moldova is entitled to broadcast a certain linear audiovisual media service;

video materials generated by users – a series of motion pictures, whether or not accompanied by sound, which is a single element, regardless of its duration, created by a user and uploaded to a video sharing platform by him/her or by another user;

subliminal announcement – any announcement using stimuli too weak to be perceived conscientiously, but which may influence the behaviour of the public;

multiplex – a system for structuring a set of audiovisual media services and ancillary services integrated into a digital stream and broadcast through a digital terrestrial digital TV channel;

prime time – a time period comprised between: 06.00-09.00 and 17.00-23.00 for the television programme services; 06.00-10.00 and 12.00-15.00 and 17.00-20.00 for the radio programme services;

product placement – any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, in return for payment or for similar consideration;

audiovisual pluralism – audiovisual context, which meets the following cumulative characteristics:

- a) diversity of providers of media and audiovisual media services;
- b) diversity of audiovisual programmes within the same audiovisual media service;
- c) presence of opinions of the general public on audiovisual media services, especially linear ones;
- d) presence of free, autonomous, independent economic and editorial service providers;
- e) access of the general public to the range of opinions 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 have, 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 one and the same media service provider;
- d) its capital is not owned by more than 15% by a natural or legal person who owns, directly or indirectly, more than 15% of the capital of a media service provider;

beneficial owner – a natural person who, under the law and / or contract, is in one of the following situations:

- (a) benefits or may benefit from any income from the activity of a media service provider or media service distributor and is not required to surrender this income to a third party;
- b) owns, directly or indirectly, through affiliated persons, control over the media service provider or the media service distributor;
- c) is a member of the governing body of a non-for-profit legal person or of a legal person in which no individual holds a participation share equal to or greater than the substantial share, also has the power to revoke, alone or together with other members, the majority of the members of the council, the executive body or the majority of the members of the executive body and / or the censor or majority of the censors' committee members of the media service provider or media service distributor;

audiovisual programme – a set of motion images, whether or not accompanied by sound, in the case of a television programme or sounds, in the case of a sound program, irrespective of its duration, which constitutes a whole identifiable by title, content or form within a grid or a catalogue made by a media service provider (sports events, documentary films, entertainment and reality programmes, children's programmes, plays, etc.);

first broadcast audiovisual programme – audiovisual programme first broadcast in a linear audiovisual media service;

protection of the national audiovisual area - a set of measures meant to eliminate the internal or external factors, intentional or involuntary, which harm or may harm the institutional, the functional, the structural, the content, the technological or other nature integrity of the reference area, as well as to create a favourable social environment for the functioning of the national audiovisual area under legal, political, economic, cultural or other security;

advertising – any form of announcement broadcast either for self-promotion or in return for a payment or a similar consideration by a legal or natural person in relation to a field of activity, a commercial activity, craft or profession, in order to promote the provision of goods and services, including real estate, or case, or rights and obligations;

interactive advertising – a technique of broadcasting televised advertising, which allows the user to choose the access to advertising through the means of an on-demand audiovisual media service, at the moment, for the duration and with the advertising content chosen by him/her;

split screen advertising – a technique of broadcasting televised advertising, including self-promotion or promotion of elements identifying the sponsor, which consists in splitting the screen for the simultaneous broadcasting of the editorial content and of the advertising content or of the announcement regarding the sponsor;

virtual advertising – a technique of broadcasting televised advertising, which consists in processing the image, in the case of broadcasting transmissions from events, by replacing the image of billboards placed within the venue in which those events take place with advertising announcements inserted by the media service provider or by overlapping such images with new announcements in any area of the transmitted image;

editorial responsibility – exercising effective control over selecting audiovisual programmes and over their organisation, either in a time schedule, in the case of TV/radio transmissions, or in a catalogue, in the case of the on-demand audiovisual media services;

retransmission – the simultaneous or quasi-simultaneous reception and transmission, by any technical means, of audiovisual media services or parts of them (short versions) intended for the public, preserving their integrity and not modifying the content;

electronic communications network - transmission system and, where appropriate, switching or routing equipment and other resources, including network elements which are not active but which enable the transmission of signals by cable, radio wave, optical means or other electromagnetic means, including satellite networks, fixed (switching circuits or packets, including the Internet) and mobile terrestrial networks, system using the grid, as long as they serve to transmit signals, networks used to broadcast audiovisual programmes and television cable networks, irrespective of the type of information transmitted;

information security - state of protection of information resources, person, society and state, including the presence of a set of measures to ensure the protection of the person, society and the state from potential misinformation and / or manipulative information from the outside and for not admitting media aggression against the Republic of Moldova;

audiovisual media service – service under the editorial responsibility of a media services provider, the main objective of which or of a dissociated section thereof is the provision of programmes with informing, entertaining or educational purposes for the general public, through electronic communications networks;

linear audiovisual media service – an audiovisual media service made available to the public by a media service provider for simultaneous viewing of/listening to programmes, on the basis of a programme schedule developed by the media service provider;

on-demand (non-linear) audiovisual media service – an audiovisual media service made available to the public by a media service provider for viewing of/listening to programmes, at the request of the user and at the moment chosen by the user, on the basis of a programme catalogue set out by the media service provider;

generalist audiovisual media service – a service broadcasting audiovisual programmes with predominantly informative, educational or entertaining content, in the main areas of interest and which are meant for the general audience;

audiovisual news service – a service broadcasting audiovisual programmes with predominantly informative and informative-analytical content, focusing on internal and external news and addressed to the general public;

topical television or radio service – a service broadcasting audiovisual programmes dedicated mainly to a certain area of interest and which are meant for a certain segment of the audience;

audiovisual media services free for retransmission - audiovisual media services whose retransmission is not financially or technically conditioned by media service providers or their legal representatives;

'must carry' audiovisual media services - audiovisual media services free for retransmission, the retransmission of which is compulsory for media service distributors on the basis of the list of audiovisual media services established annually by the Broadcasting Council;

video-sharing platform service - audiovisual media service consisting of:

- (a) storing user-generated programmes or video materials for which the video-sharing platform service provider does not bear any editorial responsibility;
- (b) organising user-generated programmes or video materials stored in the order established by the video-sharing platform service provider, including by automated means or algorithms, in particular by displaying, marking and sequencing;
- (c) ensuring the provision to the general public of user-generated programmes and videos for informative, educational or entertainment purposes, this being the main purpose of the service, a dissociated section or essential functionality thereof;
- (d) making available to the general public user-generated programmes or video material by electronic communications networks;

teletext service – provision of codified information, which may be accessed in a text form by the means of a standard decoder of the TV receiver when accessing and during accessing and for the content chosen;

videotext service – provision of announcements in form of text or graphic signs, within a schedule or a catalogue, produced by a media services provider, having the form and the content of television services or being comparable as form and content with those;

conditioned access system – any technical way or means enabling the access to a protected audiovisual media service, in a restricted way, by subscription or by using other forms of pre-set individual authorisation;

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

national audiovisual space - an informational and media space constituted structurally and compositionally by the local, community, regional, national or international, public or private, generalist or thematic, informative, educational and entertainment audiovisual media services, made available to the public by means of electronic communications networks;

sponsorship – any contribution of a public or private enterprises granted to finance audiovisual media programmes with the view to promote their name, trade mark, image, activity or products;

virtual advertising – a technique of broadcasting elements identifying sponsors, which consists in processing the image, in the case of broadcasting transmissions from events, by replacing the image of billboards placed within the venue in which those events take place with advertising announcements inserted by the broadcaster or by overlapping such images with new announcements in any area of the transmitted image;

isolated spot – advertising or teleshopping spot that is not preceded or followed by another advertising or teleshopping spot;

teleshopping – message transmitted directly to the general public with a view of supplying goods or services, including real estate, rights and obligations in return for payment;

transmission – primary broadcasting, by electronic communication networks, of linear audiovisual media services meant to be received by the public;

user – person using at least one audiovisual media service.

Article 2. Purpose, subject and scope

(1) This Code aims at:

- a) ensuring to everyone the right to receive accurate and objective information and to contribute to the free formation of opinions;
- b) guaranteeing the right to editorial independence and freedom of expression;
- c) ensuring the independence of the regulator in the field of audiovisual media services;
- d) ensuring the independence of the supervisory bodies of the activity of the media service providers;
- e) ensuring, maintaining and developing audiovisual pluralism;
- f) ensuring the protection and development of the national audiovisual area.

(2) This Code 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 to:

- a) web services which do not compete with audiovisual media services; the audiovisual content present on the webpage is only occasional and is not the main purpose of these;
- b) web services providing audiovisual content that are not mass media in the sense of informing, educating and entertaining the general public;
- c) web pages providing audiovisual content generated by private users for sharing and exchanging within a community of interests;
- d) online gambling, including lotteries, betting and other forms of gambling services, except games and contests broadcast under the law in an audiovisual media service;
- e) newspapers and magazines in electronic format;
- f) search engines on the Internet;
- g) private correspondence in any form.

(4) Subjects of this Code shall be:

- a) media service providers under the jurisdiction of the Republic of Moldova;
- b) media service distributors under the jurisdiction of the Republic of Moldova;
- c) regulatory authority in the field of audiovisual media services;
- d) the supervisory bodies of the activity of the media service providers;
- e) video-sharing platform providers under the jurisdiction of the Republic of Moldova.

(5) For the purposes of this Code, a media service provider is considered to be within the jurisdiction of the Republic of Moldova if it meets at least one of the following conditions:

- a) has its headquarters in the Republic of Moldova and the editorial decisions regarding the audiovisual media service are taken in the Republic of Moldova;
- b) has its headquarters in the Republic of Moldova and the majority of the workforce involved in the provision of audiovisual media services operates in the Republic of Moldova;
- c) editorial decisions on audiovisual media services are taken in the Republic of Moldova and a majority of the workforce involved in the provision of audiovisual media services is operating in the Republic of Moldova.

(6) A media service provider not meeting any of the conditions set out in paragraph (5) and not having its head office in another state that is part to the European Convention on Transfrontier Television shall be deemed 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 link belonging to the Republic of Moldova;
- d) uses an up-link to a satellite 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 establishing the applicable jurisdiction, the criteria set out in paragraph (5) and (6) are not relevant, the media service provider shall be deemed out of the jurisdiction of the Republic of Moldova.

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

- a) has its headquarters in the Republic of Moldova, and the decisions concerning the compilation of the offer of audiovisual media services rebroadcast are made in the Republic of Moldova;

b) has its headquarters in the Republic of Moldova, and a significant part of the workforce involved in compiling and providing the public with offers of audiovisual media services rebroadcast operates in the Republic of Moldova;

c) decisions concerning the compilation of offers of audiovisual media services rebroadcast are made in the Republic of Moldova, and a significant part of the workforce involved in providing the public with offers of audiovisual media services rebroadcast operates in the Republic of Moldova.

(9) The services distributor not meeting any of the conditions provided for in paragraph (8) and not having its head office in other state participating in the European Convention on Transfrontier Television shall be deemed under the jurisdiction of the Republic of Moldova, if is in one of the following situations:

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

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

c) uses an up-link situated on the territory of the Republic of Moldova;

d) uses an internet link situated on the territory of the Republic of Moldova

(10) If, in establishing the applicable jurisdiction, the criteria provided for in paragraphs (8) and (9) are not relevant, the media services distributor shall be deemed out of the jurisdiction of the Republic of Moldova.

Article 3. Legislation on audiovisual media services

(1) The audiovisual legislation is built upon the Constitution of the Republic of Moldova, this Code, other normative acts, as well as international treaties the Republic of Moldova is part to.

(2) If international treaties the Republic of Moldova is part to establish norms others than those provided for by this Code, the provisions of international treaties shall be applied.

(3) The Broadcasting Council, as the single regulation authority, adopts normative acts provided for by this Code and by international treaties to which the Republic of Moldova is part.

Article 4. Local audiovisual programmes

(1) In the sense of this Code, local audiovisual programmes are:

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

b) co-produced audiovisual programmes and the contribution of the media service provider under Moldovan jurisdiction, which is the majority if related to the total cost of production;

c) audiovisual programmes produced by independent producers in the Republic of Moldova.

(2) Audiovisual programmes made in co-production, others than those stipulated in paragraph (1) let. b) shall be considered local audiovisual programmes in a proportion appropriate to the contribution of the media service provider under the jurisdiction of the Republic of Moldova in the total production costs.

(3) Media service providers must transmit, within television services, local audiovisual programmes with the following average duration daily:

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

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

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

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

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

(4) Media service providers must transmit in their first broadcast at least 50% of the own production quotas provided for in paragraph (3).

(5) Provisions of paragraph (4) shall not apply to television services primarily focused on the distribution of audiovisual programmes promoting the national and European cultural heritage from its own archives.

(6) Media service providers shall have the obligation to transmit, within radio broadcasting services, local audiovisual programmes with the following average duration daily:

a) at least 12 hours for each audiovisual media service - for national public media service providers;

b) at least 10 hours for each audiovisual media service - for regional public media service providers;

c) at least 10 hours for each audiovisual media service - for national private media service providers;

- d) at least 8 hours for each audiovisual media service - for regional private media service providers;
- e) at least 6 hours for each audiovisual media service - for local private media service providers.

(7) Media service providers referred to in paragraph (3) and (6) must broadcast local audiovisual programmes in a proportion of at least 80% in Romanian.

(8) Media service providers whose audiovisual media services are meant for administrative territorial units in which an ethnic minority represents a majority share must broadcast local audiovisual programmes in a proportion of at least 25% in Romanian, as well as their own audiovisual programmes in the language of that minority.

(9) Local audiovisual programmes referred to in paragraphs (3), (6) and (7) shall be broadcast during 06.00-24.00. At least 75% of the content of those programmes shall be broadcast in peak audience hours.

(10) The daily average duration of audiovisual programmes referred to in paragraphs (3) and (6) shall be calculated within one calendar week.

(11) Media service providers shall submit in the annual report to the Broadcasting Council information on compliance with the provisions of paragraphs (3), (6) and (7).

(12) Provisions of this Article shall not apply to community audiovisual media services and those dedicated exclusively to advertising and teleshopping.

(13) The Broadcasting Council shall, at least once a year, develop and publish on its official website, the list of national, regional and local media service providers.

Article 5. Acquired audiovisual programmes

(1) Media service providers shall be entitled, under the law, to acquire audiovisual programmes from the country and abroad, in order to supplement and assure the variety of their own audiovisual media services.

(2) In the case of television services, audiovisual programmes acquired abroad must come in a proportion of at least 50% from Member States of the European Union and / or third countries participating in the European Convention on Transfrontier Television.

Article 6. European audiovisual works

(1) In the sense of this Code, European audiovisual works are:

- a) audiovisual works from the Member States of the European Union;
- b) audiovisual works from the Republic of Moldova and third countries participating in the European Convention on Transfrontier Television;
- c) audiovisual works co-produced under audiovisual agreements between the European Union and third countries which meet the conditions laid down in each of these agreements;
- d) audiovisual works carried out under bilateral co-production agreements concluded between Member States of the European Union and third countries, provided that the participation of the EU co-producers in the total production costs is preponderant and the production is not controlled by any producer established outside the territory of the Member States of the European Union.

(2) Works referred to in paragraph (1) let. (a) and (b) are works mostly made by authors and workers resident in one or more of those States which meet at least one of the following requirements:

- (a) works are produced by one or more producers residing in one or more of the States concerned;
- (b) works are produced under effective supervision and control of one or more producers residing in one or more of those States;
- (c) the co-producers' contribution from States concerned to the total costs of the co-production is preponderant, whereas the co-production is not controlled by any producer residing outside those States.

(3) Provisions of paragraph (1) let. (b) and (c) shall apply only to works from Member States of the European Union that 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 to each European audiovisual works at least 50% of the broadcasting time of each service, less the time for news, sports events, games, advertising, teletext and teleshopping.

(5) In the case of on-demand audiovisual media services, media service providers are required to reserve to European audiovisual works at least 30% of the programme catalogue and to point out them.

(6) In the case of linear audiovisual media services, media service providers are required to reserve to European audiovisual works created by independent producers in the Republic of Moldova at least 10% of the broadcasting time of each service, less the time for news, sports events, games, advertising, teletext services and teleshopping.

(7) Media service providers shall submit in the annual report to the Broadcasting Council information regarding compliance with the provisions of paragraphs (4) - (6).

(8) Provisions of this Article shall not apply to radio broadcasting services, local television services, as well as to audiovisual media services dedicated exclusively to advertising and teleshopping.

Chapter II

AUDIOVISUAL COMMUNICATION PRINCIPLES

Article 7. Freedom of expression

(1) The States guarantees the freedom of expression of media service providers and media service distributors.

(2) Media service providers and media service distributors are required to respect 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 of the Law No 64/2010 on Freedom of Expression.

(4) The Broadcasting Council shall act, ex officio or on notification, in order to ensure the freedom of expression.

(5) Control over the content of audiovisual media services before broadcasting shall be forbidden.

Article 8. Editorial independence and freedom of creation

(1) Media service providers have the right to freely and independently decide on the content of audiovisual media services in accordance with the legislation on audiovisual media services and the terms of the broadcasting licence.

(2) Censorship of any kind on audiovisual media services shall be forbidden.

(3) Any kind of interference with the content, the form or the means of creating and presenting audiovisual programmes and other elements of audiovisual media services by any persons or public authorities shall be forbidden.

(4) Regulations of the Broadcasting Council regarding the implementation of the provisions of this Code, adopted in accordance with the legislation in force, shall not constitute interference.

Article 9. Protection of confidentiality of information sources

(1) The confidential nature of the information sources used in designing and developing audiovisual programmes shall be guaranteed by law.

(2) The journalist is free from not to disclosing data capable of identifying sources of information directly related to his / her professional activity, in accordance with the Law No 64/2010 on Freedom of Expression.

Article 10. Protection of journalists

1. Authorities in charge of maintaining public order shall ensure:

- (a) the protection of journalists and their workplaces, where they are subject to pressure or threats likely to prevent or restrict the free exercise of their profession;
- b) the protection of headquarters and locations of media service providers, where they are subject to threats likely to hinder or affect the free exercise of their activity.

(2) The protection referred to in paragraph (1) cannot become a pretext to prejudice the free expression of journalists, to prevent or restrict the free exercise of their profession or to prevent journalists from claiming fundamental rights and freedoms.

(3) The coercion or exertion of pressure through threats or intimidation of journalists entails contravention and, where appropriate, criminal liability.

(4) At its own initiative or at the initiative of journalists or media service providers, the Broadcasting Council shall examine in public hearings the cases of threats, pressures and bullying, which are likely to hinder or effectively restrict the free exercise of the profession of journalists or the activity of media service providers and, where appropriate, shall notify the competent authorities.

Article 11. Respect for fundamental rights and freedoms

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

(2) The following audiovisual programmes shall be prohibited:

- (a) those likely to propagate, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance or sex, race, nationality, religion, disability or sexual orientation discrimination.
- b) those disseminating child pornography;
- c) the broadcast of which is prohibited by the Audiovisual Content Regulation, developed and approved by the Broadcasting Council, after consultation with media service providers and media service distributors.

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

Article 12. Access to audiovisual media services

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

(2) In order to ensure the right provided for in paragraph (1), the Broadcasting Council shall set out regulations to ensure the right of the person to access linear audiovisual media services:

- a) reflecting the ideological, political, social, linguistic, religious and cultural diversity of society;
- b) provided for informative, educational and entertainment purposes;
- c) with general, news and thematic content;
- d) local, regional, national and international;
- e) not requiring prior individual authorization.

Article 13. Ensuring accurate information

(1) Under the fundamental right to information, media service providers must comply with the following requirements:

- a) to ensure a clear distinction between facts and opinions;

b) to inform about a fair fact or event, and the information to be verified and presented in an unbiased and bona fide manner.

(2) Where the information submitted proves to be erroneous to a significant extent, the media service provider shall provide the necessary corrections as soon as possible and under similar broadcast conditions.

(3) Where the information comes from confidential sources or whose credibility is not sufficiently verified, this should be explicitly mentioned.

(4) In audiovisual news programs, 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 unbiased approach to events, and a balanced reflection of different opinions.

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

a) rigor and accuracy in editing and presenting news;

b) a real connection to exist between the subject and images accompanying the comment;

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

(d) in the case some reconstitutions are broadcast, make this clear;

e) in case records are presented from sources other than those of the editorial office, this should be stated;

f) in the case of hypotheses or causal relations regarding the occurrence of potential catastrophes, the opinion of the competent public authority should also be required.

(6) The following requirements shall be observed in news, debates, information on matters of public political, economic, social or cultural interest, audiovisual programmes:

a) ensuring impartiality, balance and favouring the free formation of opinions, by presenting the main opposing views when the issues are publicly debated;

b) avoiding any form of discrimination.

(7) The main opposing views are usually presented in the same audiovisual programme and, exceptionally, in the next programmes. If the requested party refuses to participate or to express his/her point of view, this should be mentioned in the audiovisual programme. Absence of the point of view of one party does not exonerate the maker / moderator from ensuring impartiality.

(8) Media service providers shall not broadcast news and debates audiovisual programmes presented or moderated by persons holding public dignity positions or spokespeople of public institutions, as well as persons nominated publicly to run or who have publicly announced their intention to run for elections of any kind.

(9) In news and debates audiovisual programmes, media service providers are required to ensure a balanced presentation of the representatives of authorities and of the opposition. Presenters and moderators need to specify the political quality of people who express their views on matters of public interest.

(10) In news and debates audiovisual programmes addressing issues of public interest concerning ethnic, religious or sexual minorities, the views of their representatives must also be presented.

(11) In the case of a television or own poll, such as *vox populi*, organized and presented by the media service provider, the following requirements shall be met:

a) no rewards are given to interviewees;

b) not to violate the legislation on the protection of minors;

c) in the invitation to the public to participate in the television or tele-voting, as well as in the presentation of results, the mention 'Tele-voting / poll is not representative of the public opinion and does not have the value of an opinion poll' to be broadcast.

(12) Live streaming must always be accompanied by 'Live' mention.

(13) The rerun of audiovisual programmes must be accompanied by the word 'Rerun' throughout their broadcasting, except for cinematographic works.

(14) The broadcasting of archive images and / or sound recordings must be accompanied by their date or the 'Archives' mention.

(15) The Broadcasting Council shall set out detailed provisions in the Audiovisual Content Regulation to ensure that the public is properly informed.

Article 14. Right of reply or rectification

(1) The natural or legal person, considering his/her/its rights impaired by broadcasting programmes or other elements of audiovisual media services has the right of reply according to the Law No 64/2010 on Freedom of Expression.

(2) The procedure for the exercise of the right of reply or rectification, as well as any other necessary measures, including sanctions, in order to guarantee the right of reply or rectification shall be approved by the Broadcasting Council within a reasonable time from the date of submitting the application by the applicant.

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

Article 15. Protection of minors

(1) Media service providers are bound to respect the principle of the minor's best interest.

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

(3) When establishing the conditions of participation of a minor in an audiovisual programme, the sensitivity and vulnerability specific to the age of the minor in general, as well as the type of personality, in particular, shall be taken into account.

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

(5) In audiovisual programmes, the minor cannot be used or exposed by parents, relatives, legal representatives, lawyers or other persons responsible for raising and taking care for him/her, in order to obtain any kind of benefits or to influence the decisions of public authorities.

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

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

(8) In on-demand audiovisual media services, audiovisual programmes which may affect the physical, mental or moral development of minors may be made available only if access restriction measures are taken so that minors cannot see or hear normally, those programmes.

(9) The Broadcasting Council shall establish in the Audiovisual Content Regulation detailed provisions on:
a) classification of audiovisual programmes for the protection of minors;
b) information containing personal data with negative impact on minors;
c) information with negative impact on minors;
d) information on minors at risk.

(10) The Broadcasting Council shall establish additional requirements for media service providers in order to protect minors, within linear audiovisual media services:

a) broadcast on Saturdays and Sundays, during holidays of minors and on non-working holidays;

- b) broadcast between 07.00-08.00 and 17.00-21.00, while during the days and periods stipulated in let. a) between 08.00-12.00 and 17.00-22.00;
- c) in the case of broadcasting programmes dedicated to betting and gambling (except for lotteries) permitted by the legislation in force, which may take place only between 01.00-05.00;
- d) in the case of broadcasting 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) For the purpose of protecting minors, the Broadcasting Council shall:

- a) promote the need for regulation in the field of audiovisual commercial communication among media service providers;
- b) establish requirements in the field of on-demand audiovisual media services regarding the protection of minors;
- c) promote, on the basis of recommendations, the drafting and updating of catalogues of audiovisual programmes for minors and catalogues of audiovisual programme with prior individual authorization.

Article 16. Protection of persons with disabilities

- (1) Persons with sight or hearing disabilities have the right to access audiovisual media services.
- (2) Media service providers shall ensure the observance of the right provided in paragraph (1), depending on the technological and economic possibilities.
- (3) Within television services, national and regional media service providers are required:
 - a) to interpret in the sign language or by synchronous titling at least one newscast from the daily broadcasting time;
 - b) to interpret in the sign language or by synchronous titling the programmes of major importance entirely or their resumes;
 - c) to interpret in the sign language at least 60 minutes of the monthly broadcasting time of the programme service;
 - d) to inform, on a priority basis, the public about the time of broadcasting audiovisual programmes referred to in let. a)–c).

(4) The Broadcasting Council shall institute regulations as to ensure the right of access to audiovisual media services for the people with sight or hearing impairments;

Article 17. Protection of national audiovisual area

- (1) Radio frequencies intended for the provision of audiovisual media services in digital terrestrial or analogue system represent public assets and are used on the basis of broadcasting licences issued under the law.
- (2) The national broadcasting area is used under the terms of this Code, meant:
 - (a) to promote the free movement of information;
 - b) to contribute to ensuring freedom of expression;
 - c) to contribute to covering social information needs;
 - d) to contribute to ensuring the professional and social integrity of media service providers.
- (3) Audiovisual programmes broadcasting hate speeches shall be prohibited in the national audiovisual area.
- (4) In order to protect the national audiovisual area and to ensure the security of information, media service providers and media service distributors are allowed to broadcast informative, informative and analytical, military and political television and radio programmes produced in the Member States of the European Union, the US and Canada, as well as the states that have ratified the European Convention on Transfrontier Television.
- (5) The Broadcasting Council shall monitor and supervise the observance by media service providers and media service distributors of provisions of this Code on the protection of the national audiovisual area and

the provision of information security. It also may establish regulations and take the necessary measures, within its remit, in order to achieve that purpose.

Article 18. Gender equality

- (1) Media service providers shall promote in their work the principle of equality between women and men.
- (2) Media service providers shall observe the principle of equality between women and men when broadcasting audiovisual programs.
- (3) Using exist language and scenes of violence and degrading behaviour towards women and men shall be forbidden in audiovisual media services.

Article 19. Cultural responsibilities

- (1) Audiovisual media services reflect the diversity of national and European cultural area.
- (2) Media service providers shall ensure the observance of the orthographical, orthoepic, morphological and syntactic norms of the Romanian language and of other languages of broadcasting in audiovisual programmes.
- (3) Audiovisual programmes broadcast in other languages shall be accompanied by translation into Romanian (dubbing, sounding and / or subtitling). This provision does not apply to local audiovisual programmes, programmes for language learning and use of video clips.
- (4) Artistic and documentary films are dubbed or subtitled in Romanian, keeping the original soundtrack or, as the case may be, the licensed linguistic version, and films for children are duplicated or sounded in Romanian.
- (5) Musical television services and radio broadcasting services shall contain at least 30% of musical works in Romanian, including 10% of musical works originating from composers, performers and producers originating in the Republic of Moldova.
- (6) Musical works provided for in paragraph (5) shall be broadcast between 06.00-24.00.
- (7) The provisions of paragraph (4) shall not apply to artistic and documentary films dubbed in Romanian until 1991.
- (8) The Broadcasting Council shall approve regulations on the application and observance of the provisions of paragraph (5).

Article 20. Access to events of major importance

- (1) All persons have the right to access events of major importance through television services without prior individual authorization.
- (2) Events of major importance may only be broadcast on national media service providers' television services without prior individual authorization unless the broadcast does not deprive a substantial part of the public of the possibility of watching them live or in offset coverage.
- (3) The list of events of major importance shall be approved by the Broadcasting Council.
- (4) The list of events of major importance shall establish:
 - a) the percentage of population representing a substantial part of the public;
 - b) the right of the media service provider to broadcast the event of major importance live or in offset, in whole or in part.

(5) Media service providers under the jurisdiction of the Republic of Moldova, who have exclusive rights to broadcast events of major importance, may not deprive the public of watching these events through other audiovisual media services.

(6) All media service providers under the jurisdiction of the Republic of Moldova shall have the right to report on an event of major importance by means of an extract, subject to the prior consent of the media service provider holding exclusive rights:

- a) registering the signal of the media service provider holding exclusive rights in order to draw up an extract;
- b) acceding to the venue of the event of major importance in order to draw up an extract.

(7) If an event of major importance is made up of several autonomous elements from an organizational point of view, each element is considered as an event of major importance.

(8) If an event of major importance takes place for several days, at least one extract per day shall be made.

(9) Extracts shall be made:

- a) under fair, reasonable and non-discriminatory conditions;
- b) under free choice conditions.

(10) The authorized duration of an extract shall not exceed 60 seconds.

(11) When using extracts, media service providers are required to comply with the following requirements:

- a) to be broadcast exclusively in main audiovisual news programmes, organised on a regular basis;
- b) not to be broadcast before the main event of major importance broadcast by the media service provider holding exclusive rights;
- c) to mention the name and / or to insert the logo of the media service provider holding exclusive rights, as a source, if they were carried out by recording the signal of the media service provider holding the exclusive rights unless other contractual provisions exist between the media service provider holding the exclusive rights and the media service provider using the extract;
- d) the broadcast extract may be repeatedly used only if there is a direct link between its content and another topical event;
- e) all original audiovisual programmes used to draw up the extract belonging to the media service provider are destroyed after the extract has been made and the media service provider holding exclusive rights is informed thereof;
- f) extracts may be archived, but may not be repeatedly used, except as provided in let. d).

(12) The media service provider holding exclusive rights is not entitled to charge payments from media service providers for extracts, unless other contractual arrangements exist between them.

Article 21. Transparency of media service provider's ownership

Media service providers are bound to ensure the simple, direct and permanent access of audiovisual media service users to at least the following categories of information:

- a) its name, legal status and head office;
- b) the name of the legal representatives
- c) beneficial owners holding, directly or indirectly, control over media service provider;
- d) the list of shareholders and associates up to the level of natural person, except for shareholders and associates which are joint-stock companies with bearer shares or listed on international stock exchanges;
- e) the persons in the management body and, as the case may be, the supervision, as well as the positions held by them;
- f) persons responsible for the editorial policy;
- g) contact details of the media service provider, including the legal address, mailing addresses (if applicable), the e-mail address and the official webpage where it can be contacted quickly, directly and effectively.

Article 22. Broadcast of information on the state of emergency, siege and war

(1) The official information and communications of public authorities on the state of emergency, siege and war are broadcast fully and as a matter of priority by media service providers.

(2) The information provided for in paragraph (1) shall be broadcast within linear audiovisual media services in an operative manner from the moment they are communicated.

(3) The information provided for in paragraph (1) shall also be broadcast through sign language or by synchronous titration to provide access to information for people with hearing impairments.

Article 23. Protection of copyright and related rights

Protection of copyright and related rights in the provision of audiovisual media services is ensured in accordance with copyright law and related rights.

Chapter III
LINEAR AUDIOVISUAL MEDIA SERVICES

Article 24. Organisation and functioning 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 shall keep a copy of each audiovisual programme included in the linear audiovisual media service at least 30 days after its broadcasting.

(3) Where an audiovisual programme included in the linear audiovisual media service is subject to a request for the right of reply and / or rectification, the media service provider shall keep a copy of that programme until the final settlement of disputes.

(4) Linear audiovisual media services shall be provided under the broadcasting licence.

Article 25. Broadcasting licence

(1) The broadcasting licence shall be granted on the basis of provisions of this Code.

(2) The broadcasting licence shall be granted for a 9 year-period and shall be valid from the date of publication of the Broadcasting Council's decision in the Official Gazette of the Republic of Moldova.

(3) The broadcasting licence shall be granted for each linear audiovisual media service.

(4) The broadcasting licence shall contain:

- a) the number of the broadcasting licence;
- b) identification data of the issuer of the broadcasting licence;
- c) identification data of shareholders and associates up to the level of a natural or legal person, except for shareholders and associates which are joint-stock companies with bearer shares or listed on international stock exchanges;
- d) the concept of (general) principle, the type and structure of the audiovisual media service;
- e) the name and identification elements of the audiovisual media service;
- f) the broadcasting area in the case of the provision of the analogue or digital terrestrial audiovisual media service;
- g) the term of validity;
- h) electronic communications network used to provide the audiovisual media service and the name of the owner or his/her manager;
- i) frequencies or channels granted in the case of the analogue broadcasting licence;
- j) the digital multiplex in which the audiovisual media service is provided;
- k) the commitment of the media service provider to comply with the provisions of this Code and the acts adopted by the Broadcasting Council;

- l) the commitment of the media service provider to keep the audiovisual programme records for as long as required by law;
- m) the commitment of the media service provider to provide the Broadcasting Council with the information required to perform its duties;
- n) arguments for which the Broadcasting Council granted the broadcasting licence to the media service provider.

(5) Media service providers are required to request in writing the Broadcasting Council's consent for any change in the documents and data declared in paragraph (4) let. c)-e). In case the decision favourable to the request is adopted, changes in the content of the broadcasting licence shall be made free of charge.

(6) Media service providers are required to notify the Broadcasting Council, within 30 days, of the changes made in the documents and declared data provided for in paragraph (4) let. b), f) and h).

(7) During the validity of the broadcasting licence, the Broadcasting Council modifies, at its own initiative and free of charge, the content of the broadcasting licence in order to adjust the activity of the media service provider to the changes in the legislation.

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 new term in accordance with the provisions of this Article. At least 6 months, but not less than 3 months before the end of the period for which the broadcasting licence was granted, the media service provider shall submit an application for the extension of the broadcasting licence's validity to the Broadcasting Council.

(2) The Broadcasting Council shall extend the validity of the broadcasting licence, provided that the following cumulative requirements are met:

- a) the media service provider has applied for the extension of the validity of the broadcasting licence within the time limit provided for in paragraph (1);
- b) the media service provider observed the concept of (general) principle, the type and structure of the audiovisual media service provided for in the content of the broadcasting licence;
- c) the media service provider was not sanctioned by the Broadcasting Council for serious violations as a result of which the broadcasting licence was suspended for a period of 30 to 60 days.

(3) The Broadcasting 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 period for which the licence was granted.

(4) The extended broadcasting licence under paragraph (3) shall become effective on the expiry date of the earlier period for which it was granted.

(5) Where the Broadcasting Council has not taken a decision within the time limit set out in paragraph (3) concerning the extension of the validity of the broadcasting licence or the rejection of the respective application, the broadcasting licence shall be considered as legally extended.

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

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

(8) The media service provider, whose application for extension of the validity of the broadcasting licence has not been accepted, shall have the right to challenge the decision of the Broadcasting Council in the court. In this case, the Broadcasting Council shall act according to the final court decision.

(9) The broadcasting licence may not be surrendered.

Article 27. Withdrawal of the broadcasting licence

The broadcasting licence shall be withdrawn in the following cases:

- a) the media service provider notifies the Broadcasting Council about the waiver of broadcasting audiovisual media service;
- b) the media service provider did not start the broadcast within 6 months of the issuance of the broadcasting licence in analogue format and within 3 months – in the digital terrestrial system;
- c) the media service provider did not pay the fee for the broadcasting licence, established in accordance with the Law No 160/2011 Regulating the Entrepreneurial Activity after being warned twice in writing by the Broadcasting Council;
- d) the media service provider submitted false information to the Broadcasting Council, which has led to the violation of the legal property regime in the field of audiovisual media services;
- e) the media service provider refused to submit or otherwise failed to submit to the Broadcasting Council information on the legal property regime in the field of audiovisual media services;
- f) the media service provider has repeatedly violated the provisions of Article 11 paragraph (2) and Article 17 of this Code after being gradually applied sanctions stipulated in Article 84 paragraph (9) of this Code;
- g) the media service provider whose broadcasting licence has been suspended in accordance with Article 84 paragraph (10) of this Code fails to remedy the breach for which he / she has been sanctioned with the suspension and / or is punished more than twice within 12 months of the expiration of the suspension sanction.

Article 28. Legal property regime of the media service provider

(1) Private media service providers consist of natural and / or legal persons and operate in the form of commercial companies.

(2) Private media service providers may not have as beneficial owner:

- a) the Parliament, the President of the Republic of Moldova or the Government;
- b) a central specialized body or a central administrative authority;
- c) an authority of the local public administration;
- d) other body / authority, established for the purpose of exercising administrative, social-cultural or non-commercial tasks;
- 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 party or a social-political organization;
- h) a commercial organization that has as founder or co-founder at least one of the subjects referred to in let. a) -g);
- i) a trade union;
- j) a religious cult.

(3) Private media service providers operate in a legal property regime that ensures economic efficiency, provided that they do not generate prevailing situations 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 prevailing position on the market, are prohibited and, in the manner established by the legislation in force, considered to be invalid in whole or in part, if such agreements (coordinated actions) lead or may lead to a restriction of competition.

(5) Any agreements (coordinated actions) of non-competing natural and legal persons in the field of audiovisual media services, one of which holds a prevailing position in the market and the other is supplier or purchaser is prohibited and, in the manner established by the legislation in force, considered to be invalid in whole or in part, if such agreements (coordinated actions) lead or may lead to a restriction of competition.

(6) A natural person may be a beneficial owner of up to 2 television services.

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

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

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

(10) The natural person holding a position in the legislative, executive or judicial public administration authorities as well as the person holding an elective function in the governing bodies of a party or other social-political organization and is the founder and / or holds shares at the legal entity in the field of audiovisual media services may not have the right to vote thereon.

(11) The natural or legal person holding or acquiring a share equal to or greater than 20% of the share capital or of the voting rights of a legal person holding a broadcasting licence or of a legal person controlling the holder of such a licence is required to notify the Broadcasting Council of this by a written declaration under his/her/its own responsibility within 30 days of the date on which he/she/it reached that quota.

(12) The use of a third party's name by a legal person applying for a broadcasting licence or controlling a legal person holding a broadcasting licence is forbidden in order to circumvent the provisions of this Code.

(13) Private media service providers are obliged to publish on their own web pages and to submit to the Broadcasting Council, annually, by 1 February, an activity report in accordance with the model approved by the Broadcasting Council, including the name, the citizenship of the beneficial owner / owners, description of the structure of the property, organization chart and share capital of the media service provider, sources of funding of the audiovisual media service and information on realizing the conception of the audiovisual media service for the previous year.

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

Article 29. Limiting audience share

(1) In accordance with the provisions of this Code and to establish the audience share of audiovisual media services, it is considered that:

a) the market of linear audiovisual media services with national, regional and local coverage represents the total audiovisual media services of national, regional and local media service providers in the corresponding coverage area, under the jurisdiction of the Republic of Moldova;

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

c) the significant market represents the total linear audiovisual media services, referred to in let. b) of national, regional, local media service providers in the corresponding coverage area;

(d) the audience share represents the market share attributed to a particular linear audiovisual media service in the corresponding coverage area, determined under the terms of this Article.

(2) When determining the prevailing situation in the formation of public opinion, account is taken of the audiovisual media services provided for in paragraph (1) let. b), which the natural or legal person either provides as a broadcasting licence holder, or holds a share greater than 20% of the share capital or voting rights of the broadcasting licence holder that provides those services.

(3) In the case of a natural person, in addition to the provisions of paragraph (2), the persons close to it are also taken into account, according to the Law No 133/2016 on the Declaration of Property and Personal Interests.

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

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

(6) Audience share for each national, regional, and local linear audiovisual media service in the corresponding coverage area shall be established quarterly by calculating the average audience share registered in the previous quarter.

(7) The Broadcasting Council assesses the prevailing position in the formation of public opinion of a natural or legal person if there are reasonable grounds for reaching the limit provided for in paragraph (4). If a prevailing position is found in the formation of public opinion, the Broadcasting Council shall enter into an agreement with the broadcasting licence holder on measures to remedy that situation and ensure pluralism of opinions. If this agreement is not concluded within 6 months or implemented within a reasonable time in order to guarantee the plurality of opinions, the Broadcasting 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) - (5), it shall notify the Broadcasting Council.

Article 30. Measuring audience shares

(1) Audience shares and market shares are measured by specialized institutions selected through open competition in accordance with international standards and practices.

(2) The competition stipulated in paragraph (1) is carried out at the initiative of the Broadcasting Council every five years.

(3) The competition is organized on the basis of an ad-hoc regulation drawn up and approved by the Broadcasting Council, which ensures an open and transparent procurement process in accordance with international standards and customs.

(4) Service contracts concluded with selected specialized institutions oblige specialized institutions to provide quarterly the Broadcasting Council with measurement results made according to this Article.

Chapter IV PUBLIC MEDIA SERVICE PROVIDERS

Article 31. Mission of public media service providers

(1) Public media service providers serve to the public; they work from the public contribution; they are subject to public control and have the mission to implement the following principles:

a) ensuring universal access of the population to a wide range of generalist and thematic, linear and non-linear audiovisual media services, including through new communication platforms, to meet informative, educational and recreational needs of all social user groups;

b) promoting, through editorial policy, social cohesion at local, regional, national and international level, as well as encouraging the sense of shared responsibility of the population for the implementation of this principle;

c) promoting audiovisual pluralism;

d) fair, objective, complex and unbiased information through innovative and varied audiovisual programmes that meet ethical and high-quality standards;

e) promoting pluralistic public debates and encouraging broad democratic participation of the public;

f) promoting the diversity of national, European and international cultural heritage;

g) ensuring editorial independence and institutional autonomy in relation to public authorities and institutions, political parties and interest groups;

h) assuming responsibility towards the public.

Article 32. Legal status of public media service providers

(1) In the Republic of Moldova operate:

- a) national public media service provider - "Teleradio-Moldova" Company;
- b) regional media service provider - "Gagauziya Radio Televizionu" Company.

(2) "Teleradio-Moldova" and "Gagauziya Radio Televizionu" are legal entities governed by public law, established as public institutions.

(3) Founder of the national public media service provider "Teleradio-Moldova" is the Parliament of the Republic of Moldova.

(4) Founder of the regional public media service provider "Gagauziya Radio Televizionu" is the People Assembly of Gagauzia.

Article 33. Scope of public media service providers

(1) The scope of public media service providers is:

- a) broadcasting news, informative, educational, cultural, sports and entertainment, linear and non-linear programmes, intended for different categories of the public, in Romanian, as well as in the languages of national minorities or in other languages of international circulation;
- b) providing personalized interactive services, engaging the young generation in active forms of communication, encouraging the delivery of user-generated content, setting up other participative systems;
- c) ensuring the presence in audiovisual programmes of representatives of all communities, social groups and generations, including minority groups, young people, elderly people, socially disadvantaged categories, persons with disabilities, respecting their identities and responding to their information needs;
- d) broadcasting local audiovisual programmes carried out in compliance with the gender equality principle;
- e) carrying out own audiovisual production programmes or in cooperation with internal or external partners and acquiring audiovisual programmes;
- f) providing audiovisual media services through proprietary or leased electronic communications networks;
- g) developing new digital communication platforms and services, including through the use of interactive technologies;
- h) organising concerts, festivals and performances with the participation of the public, competitions, games of intelligence or random games, concluding contracts with artists and agents in the country and abroad, offering and collecting fees, according to the law;
- i) conducting foreign trade with audiovisual production and payments in MDL and foreign currency, according to the law;
- j) concluding, upon request and where appropriate, agreements with similar foreign institutions for the production, coproduction, exchange, export and import of films and / or audiovisual programmes for their own audiovisual media services or for the purpose of their distribution and sale abroad;
- k) representing relations with international specialized bodies and establishing cooperation relations with other countries' television and broadcasting organizations;
- l) preserving and archiving audiovisual recordings and documents of interest for national patrimony;
- m) managing artistic groups (musical, theatrical, etc.);
- n) other activities provided by this Code and the Regulation on the organization and functioning of the public service provider.

(2) The following are not the scope of public service media providers:

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

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

(4) The activity of the regional media service provider "Gagauziya Radio Televizionu" is regulated by this Code, by the normative acts of the People 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

(1) The editorial independence of public media service providers is guaranteed by law. Interference by public authorities, parties and other social-political organizations, trade unions, trade and economic organizations or interest groups is prohibited.

(2) Applying the rules established by the Broadcasting Council is not considered as interference in the activity of media service providers under the terms of this Code.

(3) Editorial independence and freedom of creation include the exclusive right of the governing body and of the supervising authority of the media service provider to adopt, within the limits set by this Code, decisions on:

- a) establishing the editorial policy, approving and modifying the content of audiovisual media services and the broadcasting grid;
- b) organising editorial and creative activity;
- c) designing, producing and broadcasting audiovisual programmes;
- d) other activities established by this Code and / or by the supervising authority of the activity of the public service provider.

(4) The governing bodies and supervisors of the activity of the public media service provider are required to ensure, within the institution, the editorial independence, the institutional autonomy, the freedom of creation of employees.

(5) The governing bodies and supervisors of the activity of the public media service provider are required to declare publicly any external influences likely to limit the editorial independence.

Article 35. Responsibilities of public media service providers

Responsibilities of the media service providers are:

- a) providing audiovisual programmes, including domestic and foreign news, realities, aimed at ensuring accurate, unbiased and objective public information, respecting political equilibrium, gender equality, freedom of expression, creation and conscience;
- b) serving as a forum for debates, involving the general public, or as a platform for the dissemination of democratic values, using new interactive technologies;
- c) encouraging public participation in public life, especially in elections and in decision-making, and stimulating public interest in public affairs;
- d) stimulating creativity and reflecting the diversity of cultural activities; contributing to the formation of a knowledge-based society;
- e) promoting digital inclusion and reducing digital divide, including by increasing the accessibility of its own audiovisual programmes on new communication platforms;
- f) providing messages of public interest in accordance with the Law No 1227/1997 on Advertising and with its own regulations;
- g) contributing to the preservation of cultural heritage through the development and digitization of audiovisual archives, with the possibility of being accessed online;
- h) ensuring a functional internal organizational structure and a fair remuneration system, based on the stimulation of professional performance and economic efficiency;
- i) hiring qualified staff, taking into account the diversity of society and gender equality; organizing professional development of staff, at least every 5 years, within their own training centre or by contracting appropriate services;
- j) ensuring the functionality of correspondent networks and / or correspondence offices in the country and / or abroad in order to supplement and diversify the content of audiovisual media services;
- k) ensuring the transparency of its own activity, including by annually presenting public reports on compliance with the commitments stipulated in the Specifications of the National Public Media Service Provider;
- l) promoting its catalogue of non-linear audiovisual media services made available to the public;
- m) setting the prices and tariffs for services it provides;
- n) submitting annual activity report to the supervisory body;
- o) developing its own Ombudsman media service;

p) cooperation between public media service providers and similar foreign institutions in order to carry out the mission properly.

Chapter V

NATIONAL PUBLIC MEDIA SERVICE PROVIDER

Article 36. Functioning of national public media service provider

(1) The functioning of the national media service provider is ensured by its Management Committee, headed by the Director General.

(2) The activity of the national media service provider is supervised by its Supervisory Board.

(3) The Director General of the national public service provider (hereinafter referred to as the '*Director General*') is appointed by public competition by the Supervisory Board of the national public service provider (hereinafter referred to as the '*Supervisory Board*'). For the purposes of organizing the competition, the Supervisory Board shall draw up and approve an ad hoc regulation, specifying the conditions, criteria for selection and the purpose of the competition.

(4) The numerical and nominal composition of the Management Committee of the national media service provider (hereinafter referred to as the '*Management Committee*') is approved by the Director General.

(5) The Management Committee is made up of:

- a) the general manager, who also acts as its chairman;
- b) deputy general directors;
- c) managers of audiovisual media services;
- d) managers of the joint services.

6. The members of the Management Committee shall hold fixed-term mandates which shall expire upon the expiry of the term of office of the Director General.

Article 37. The Director General

1. The Director General shall be appointed by the Supervisory Board for a seven year-mandate that cannot be renewed.

2. The Director General shall have the following duties:

- a) to ensure the current management of the public national media service provider;
- b) to order, control and be responsible for the execution of decisions of the Supervisory Board as well as for the fulfilment of obligations assumed by the national public media service provider;
- c) to approve, on the proposal of the Management Committee, rules, regulations and instructions appropriate for the functioning of the national public service provider;
- d) to designate at least two deputy general directors, one of which is in charge of radio broadcasting services, and the other one - of television services, for a fixed term valid until the expiry of the term of office of the Director General;
- e) to appoint and dismiss the members of the Management Committee, according to the law;
- f) to draw up the draft agenda and chairs the meetings of the Management Committee;
- g) to ensure, together with the Management Committee, the drawing up of the draft Specifications of the national media service provider and the implementation of its provisions;
- h) to manage the budget of the national public service provider;
- i) to temporarily delegate his / her powers and responsibilities to a member of the Management Committee in the event of his / her absence;
- j) to sign, on behalf of the national media service provider, contracts and agreements;
- k) to ensure the transparency of the activity of the national public service media provider;
- l) to exercise other duties that are in accordance with the legal provisions.

(3) The Director General shall approve the hiring and dismissal of the staff and appoints, on a competitive basis, the heads of structural units directly subordinated.

(4) The Director General shall order and approve the numerical and nominal composition of the Representative Qualifications Board responsible for designating by competition the heads of the directly subordinated structural units. The Qualifications Board shall act in accordance with its own regulations, endorsed by the Supervisory Board and the Management Committee and approved by the Director General. The activity of members of the Qualifications Board, who are not employees of the national public service provider, is remunerated in the amount set out in the Qualifications Board Regulation.

(5) The Director General shall approve, under the law, the hiring of specialists for a specific period, in order to carry out studies, works, expertise and opinions necessary for the accomplishment of the mission of the national media service provider.

6. The Director General shall approve the participation and mandate of delegations in national or international meetings, business meetings or documentation visits for the national media service provider.

(7) The Director General is the national public media service provider in relations with public authorities, organizations and institutions of the Republic of Moldova, as well as from abroad.

(8) The monthly salary of the Director General is established in the amount of 5 average monthly salaries of the national public service provider's staff, calculated annually in accordance with the average wage index of all employees.

9. The position of Director General shall be incompatible with:

(a) any other public or private function, except for scientific and / or didactic ones, if they do not entail any conflict of interest with the national media service provider;

b) membership of a governing body, partner, participant or shareholder of a media service provider, independent media service provider, private provider of equipment and technical specialised supplies, provider of specialized technical services and / or of an advertising agency;

c) membership of a political party and / or political affiliation;

d) the quality of author and / or co-author of audiovisual programmes, performed and broadcast during the term of office in the audiovisual media services of the public media service provider and other media service providers, whether or not this quality supposes remuneration.

10. The Director General shall be removed from office by the Supervisory Board in the following cases:

a) at his/her own initiative, on the basis of the submitted application;

b) in other cases provided for by the legislation in force.

(11) The Director General shall be dismissed by the vote of at least 2/3 of the total number of members of the Supervisory Board.

12. The Director General and Deputy Directors General shall exercise their mandate until the appointment of successors. The extension of mandates may not exceed 6 months.

Article 38. Management Committee

(1) The Management Committee shall carry out its activity in accordance with its own organization and functioning regulation, drafted on the proposal of the Director General and approved by the Supervisory Board.

2. The Management Committee, in relation to the Director General, shall have the status of consultative body.

3. The Management Committee shall have the following duties:

(a) to contribute to the execution of decisions of the Director General and the Supervisory Board;

b) to develop the drafts of documents subject to approval by the Director General;

c) to provide advisory opinions on draft decisions, orders, regulations and instructions, subject to the approval by the Director General;

d) to provide advisory opinions on documents that are subject to approval by the Supervisory Board, at its request;

e) to perform other duties in accordance with the provisions of this Code and of the organization and functioning regulations.

Article 39. Specifications of the national public media service provider

(1) The Specifications of the national media service provider (hereinafter referred to as the '*Specifications*') contain:

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

(2) The Specifications represents grounds for:

- a) approving the budget of the national public media service provider;
- b) monitoring and supervising the realization of the mission of the national media service provider;
- c) exercising public control over the activity of the national media service provider.

(3) The editorial policy statement is developed in accordance with the mission of the national media service provider and sets out the main objectives, activities for achieving each objective and their motivation.

(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.

(5) The draft Specifications shall be drawn up at the initiative of the Director General, endorsed by the Management Committee and submitted to the Supervisory Board for approval.

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

(7) The content of the Specifications may be amended by the Supervisory Board at the initiative of the Director General, taking into consideration the opinion of the Management Committee.

Article 40. Property of the national public media service provider

(1) The national media service provider shall possess, use and dispose of property owned by him/her, including buildings, premises and land, in accordance with the legislation in force.

(2) The national public media service provider may acquire the goods necessary for the exercise of his/her duties, in accordance with the legal provisions.

(3) The national public media service provider may acquire and alienate immovable property with the prior consent of the Supervisory Board and founder.

Article 41. The budget of the national public media service provider

(1) The budget of the national public media service provider shall consist of subsidies from the State Budget and from own revenues.

(2) Subsidies from the State Budget are established annually by the State Budget Law, and represents the volume of subsidies from the State Budget for the previous year, indexed with the consumer price index of the last financial year fully executed.

(3) The own revenues of the national media service provider, come from, as the case may be:

- a) sums earned from audiovisual commercial communications broadcast in events of major importance;
- b) sums earned from the implementation of the scope, including revenues from the sale of audiovisual programmes or copyrights from co-productions;
- c) donations and sponsorships;
- d) other legal sources.

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

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

(6) The financial activity of the national public media service provider is verified by the Court of Accounts in accordance with the legislation in force.

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

Article 42. Supervisory Board

(1) The Supervisory Board shall carry out its activity on the basis of its own organization and functioning regulation, approved by it.

(2) The Supervisory Board represents a diversity of opinions within the company.

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

(4) The Supervisory Board shall carry out its activity on its own behalf, contribute to the building and development of the national public media service provider according to the principles stipulated in Chapter II.

Article 43. Composition of the Supervisory Board

(1) The Supervisory Board consists of 9 members, public figures with professional qualifications in the fields of journalism, law, public relations, international relations, culture, cinema, financial management and business management, information and communications technology, academic activity, media, engineering.

(2) At least three representatives of the administrative territorial units, other than the municipality of Chisinau, shall be appointed as members of the Supervisory Board.

(3) The appointment of members of the Supervisory Board shall take into account the principle of gender equality.

(4) members of the Supervisory Board shall be appointed by the Broadcasting Council in accordance with the following procedure:

a) 60 days before the expiry of the term of three members, the Chairperson of the Supervisory Board shall notify the Broadcasting Council thereof;

b) the Broadcasting Council, within 15 days from the notification of vacant positions, shall issue a public invitation to candidates for three positions as a member of the Supervisory Board, making public the criteria for filling these positions and the deadline for filing participation files;

c) the procedure referred to in let. a) and b) is also repeated in the case of expiry of mandates of the other members;

d) within 15 days since the deadline for submitting participation files expires, the Broadcasting Council shall appoint, with the majority vote of its members, the members of the Supervisory Board.

(5) If the competition fails within the time limit specified in paragraph (4), the Supervisory Board shall be validly composed of at least 6 validated members and the Broadcasting Council shall repeat the designation procedure 7 days after the vacant positions are found.

(6) A member of the Supervisory Board may be the person who meets the following cumulative conditions:
a) holds the citizenship of the Republic of Moldova;

- b) holds a Bachelor's degree or equivalent and experience of at least 5 years in one of the fields mentioned in paragraph (1);
- c) knows the Romanian language and an international language;
- d) has an irreproachable reputation confirmed by at least 3 recommendation letters in the specialized area;
- e) has not held the position of member of the Observers Council and / or member of the Supervisory Board, member of the Audiovisual Coordinating Council and / or member of the Broadcasting Council during the last 6 years;
- d) has no criminal record.

(7) Members of the Supervisory Board shall be appointed for a single six-year term.

Article 44. Incompatibilities with the membership of the Supervisory Board

(1) The membership of the Supervisory Board is incompatible with:

- a) the status of member of Parliament, member of the Government, of a local elected, member of a central or local public administration or an employee thereof, as well as of a member of the Broadcasting Council;
- b) the holder, directly or indirectly, of shares or parts of the statutory fund of companies trading in areas that might be in conflict of interests with the membership of the Supervisory Board;
- c) the status of employee of the national public media service provider, except for provisions of Article 47 paragraph (1);
- d) the status of (titular or non-titular) author, presenter, moderator, developer of audiovisual programmes of the public service media provider;
- e) the membership of a political party or affiliate.

(2) The member of the Supervisory Board, who, at the date of appointment, is in one of the situations provided for in paragraph (1) let. a) -d) has a 30-day time limit to renounce his/her position or shares in question, while not having the right to vote in the Supervisory Board.

(3) The member of the Supervisory Board who fails to observe the provisions of this article shall be dismissed by law, and his position shall become vacant.

Article 45. Duties of the Supervisory Board

The Supervisory Board shall have the following duties:

- a) to approve the statute of the national public media service provider and its amendments;
- b) to approve the organization and functioning regulations of the national public media service provider and its amendments;
- c) to approve its own organization and functioning regulation and its amendments;
- d) to approve the Specifications;
- e) to approve the conditions for organizing the competition for the appointment of the Director General;
- f) to designate and dismiss the Director General under this Code;
- g) to approve strategies for the development in the medium and long run of the national public media service provider;
- h) to approve the declaration of the editorial policy of the national public media service provider in electoral campaigns;
- i) to supervise the activity of the national public media service provider for the purpose of fulfilling the Specifications and, where appropriate, to intervene with regulatory decisions;
- j) to approve the maximum amount of bank credits that may be requested by the Director General without the approval of the Supervisory Board;
- k) to approve proposals to modify the budget of the national public media service media provider;
- l) to keep the register of public appeals, to examine petitions and notifications received from the population and, as the case may be, to prescribe mandatory measures to remedy the situation;
- m) to submit to the Broadcasting Council the annual activity report by the end of the first month of the year for the previous period;
- n) to ensure the transparency of its own activity;
- o) to perform other duties in accordance with the legal provisions and the regulation of organization and functioning.

Article 46. Activity of the Supervisory Board

(1) The Supervisory Board carries out its activity in sessions, most frequently, public, convened at the initiative of the Chairperson, of at least one-third of its members, or at the request of the Director General. The Supervisory Board shall convene as often as necessary, but not less than once a month.

(2) The Supervisory Board shall elect its chairperson and the secretary with the vote of 2/3 of the number of its members. The meeting in which the chairperson and the secretary of the Supervisory Board are elected is chaired by the eldest member of the Board.

(3) The Chairperson of the Supervisory Board shall be responsible for the performance of the duties of the Supervisory Board.

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

(5) The Chairperson of the Supervisory Board shall:

- a) draw up the agenda of sessions and preside sessions;
- b) sign decisions and ensure their publication;
- c) draw up the Annual Activity Report and, after approval by the Supervisory Board, submit it to the Broadcasting Council;
- d) represent the Supervisory Board in relations with public institutions and with the natural and legal persons;
- e) represent the Supervisory Board in national and international organizations in matters related to the supervision of media service providers.

(6) In the absence of the Chairperson, the activity of the Supervisory Board shall be headed by the secretary, and the working sessions shall be headed by the Chairperson of the session, elected by the Board, on the basis of an open vote by a majority of votes of members present at the session.

(7) If the position of chairperson or secretary is vacant, the election shall be made, under the terms of this article.

(8) The vacancy of the position of a member of the Supervisory Board may intervene in case of:

- a) resignation;
- b) death;
- c) expiry of mandate;
- d) conviction by a final court decision;
- e) consecutive and unjustified absence from 7 Board sessions for 12 months;
- f) lack of exercise capacity, established according to the law.

(9) At least 60 days before the expiration of the mandate and within 7 days from the lawful interference of the vacancy of the membership, ascertained under the conditions specified in paragraph (8) of this Article and in Article 44, the Chairperson of the Supervisory Board shall notify the Broadcasting Council which, at its first public hearing after notification, shall announce the competition for filling vacant positions as a member of the Supervisory Board.

(10) In case the Supervisory Board loses confidence in the president and the secretary, they may be dismissed by a vote of at least 2/3 of the members of the Supervisory Board.

(11) In case of resignation or dismissal occurred according to paragraph (10), the Chairperson and the Secretary shall remain a member of the Supervisory Board.

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

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

Article 47. Remuneration of members of the Supervisory Board

(1) The Chairperson and the Secretary of the Supervisory Board are full-time employees of the national public media service provider.

(2) The monthly salary of the Chairperson of the Supervisory Board shall be equivalent to 90% of the monthly salary of the Chairperson of the Broadcasting Council. The size of the monthly salary of the Secretary of the Supervisory Board shall be equivalent to 90% of the monthly salary of the Chairperson of the Supervisory Board. The other members of the Supervisory Board shall receive a monthly allowance of 10% of the monthly salary of the Chairperson of the Supervisory Board for attending each session and, where appropriate, benefit from the reimbursement of travel and accommodation expenses.

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

Article 48. Responsibility of the Supervisory Board

(1) The Supervisory Board shall be responsible for submitting the annual activity report to the Broadcasting Council.

(2) The annual activity report of the Supervisory Board consists of two parts, which include the activity of the national public media service provider and, respectively, the activity of the Supervisory Board. This report is presented and debated publicly, as well as filed by 1 February at the Broadcasting Council.

Chapter VI

COMMUNITY RADIO BROADCASTING SERVICE PROVIDERS

Article 49. Establishment of community radio broadcasting service providers

(1) Community radio broadcasting service providers (hereinafter referred to as *Community Provider*) shall be established and managed by the community, operate for the community and are funded by community members.

(2) For the purposes of this Code, the community is made up of social groups united on a territorial basis and / or on a common interest criterion, except for political, religious and trade interests.

(3) Community providers are non-commercial legal entities.

(4) Community Providers shall be natural and / or legal persons according to the following procedure:

a) the initiative group convenes a general representative meeting of the community;

b) the meeting shall determine the organization and functioning of the Community Provider.

(5) Community Providers shall enjoy the facilities provided for institutions with a public utility status.

Article 50. Functionality of the Community Provider

(1) The Community Provider shall comply with the principles of audiovisual communication provided for in this Code.

(2) The Community Provider may use:

a) frequencies and / or channels under the broadcast licence obtained in accordance with the provisions of this Code;

b) air time on frequencies and channels belonging to other media service providers and / or media service distributors.

(3) The Community Provider may use air time on frequencies and channels belonging to other media service providers, pursuant to an agreement signed between the parties and endorsed by the Broadcasting Council.

(4) The broadcasting licence shall be granted to the Community Provider for a 9 year-period and cannot be surrendered.

(5) The Community Provider shall submit the annual activity report to the Broadcasting Council.

(6) The Community Provider is included in the appropriate section of the Media Service Providers' Register kept by the Broadcasting Council.

Article 51. Financing of the Community Provider

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

- a) contributions from community members;
- b) receipts from specialized services provided for the interest of the community, on a contractual basis;
- c) donations, sponsorships and grants.

(2) The Community Provider's budget is made public by placing it on the website or through a public report.

(3) The execution of the Community Provider's budget shall be supervised and controlled in the manner laid down by the general representative assembly of the community.

Article 52. Suspension and cessation of the activity of the Community Provider

(1) Suspension of the activity of the Community Provider is decided by the general representative assembly 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 when the decision was taken.

(2) The cessation of the activity of the Community Provider is decided by the general representative assembly of the community.

(3) The Broadcasting Council shall be notified of the decision to suspend or terminate the activity of the Community Provider within 10 working days from the date when it was taken.

Chapter VII

MEDIA SERVICE DISTRIBUTORS

Article 53. Functionality of media service distributors

(1) Media service distributors are established by natural and / or legal persons in the form of commercial companies.

(2) Media service distributors may have as beneficial owner:

- a) the Parliament, the President of the Republic of Moldova or the Government;
- b) a central specialized body or a central administrative authority;
- c) an authority of the local public administration;
- d) other body / authority, established for the purpose of exercising administrative, social-cultural or non-commercial attributions;
- 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 commercial organization that has as a founder or co-founder at least one of the subjects referred to in let. a) -f);
- h) a party or other social-political organization;
- i) a trade union;
- j) a religious cult.

(3) Media service distributors operate on the basis of the retransmission licence.

Article 54. Retransmission licence

(1) The manner of issuing, amending and revoking the retransmission licence shall be established by the Broadcasting Council in accordance with the provisions of this Code.

(2) In order to obtain the retransmission licence, the applicant shall submit to the Broadcasting Council an application accompanied by the following documents:

- a) the list of audiovisual media services envisaged for retransmission;
- b) copies of the pre-existing agreements existing at the request date, concluded with the providers (or their legal representatives) of audiovisual media services envisaged for retransmission;
- c) the list of applicant's beneficial owners.

(3) The Broadcasting Council shall issue or refuse to issue the retransmission licence within a period of 30 days from the date of filing the request by a reasoned decision, which shall be published on the official website of the Council.

(4) The retransmission licence shall be issued free of charge for a period of 10 years and shall contain:

- a) the number and date of issue;
- b) the name of the legal person, the fiscal code, the legal address and the correspondence addresses of the retransmission licence holder;
- c) the name of the media service distributor;
- d) the list of retransmitted audiovisual media services;
- e) the localities where the offer of audiovisual media services is 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 acts approved by the Broadcasting Council;
- h) the commitment of the media service distributor to provide the Broadcasting Council with the requested information regarding the exercise of the respective distributor's duties.

(5) The media service distributor is entitled to request a new retransmission licence, in advance, during the last 6 months of the validity of the previous broadcasting licence.

(6) The fees levied for the issuance and, as the case may be, the modification of the retransmission licence shall be established by law.

(7) The retransmission licence shall be withdrawn if the media service distributor repeatedly violates the provisions of Article 11 paragraph (2) and Article 17 after having been gradually applied to sanctions provided for in Article 84 paragraphs (9) and (10).

Article 55. Offer of retransmitted audiovisual media services

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

(2) The media service distributor shall include in the offer of audiovisual media services:

- a) television services of the national public media service provider;
- b) at least 35%, with a gradual increase of the share up to 50% in the next 5 years, from the television services free for retransmission of the 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 television services and television services with subtitling / dubbing in Romanian shall constitute at least 35% of the total number of services distributed through the network in question, with a gradual increase of the share up to 50% in the next 3 years;
- (b) television services from Member States of the European Union and third States participating in the European Convention on Transfrontier Television shall constitute at least 50% of the total number of television services distributed over that network.

(4) The media service distributor may modify the offer of approved services, without the approval of the Broadcasting Council, in proportion of up to 10% of the total number of television services distributed through the network in question, complying with conditions stipulated in paragraphs (2) and (3).

(5) At the request of media service providers, media service distributors must, at regional and local level, include in their offer of retransmitted audiovisual media services at least one of regional and local television services free for retransmission in localities or, where applicable, in 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 ensure at least one audiovisual media service free for retransmission in the minority language.

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

(8) The media service distributor shall notify the Broadcasting Council about the provision of the public with audiovisual media services at least 72 hours in advance.

(9) Television services free for retransmission, including 'must carry' television services, shall be made available to the media service distributor free of charge 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 required to prioritize the general television service of the national media service provider in the automatic preselection list of television services retransmitted via the distributor's network. Any interference in the way of positioning television services in the offer of retransmitted audiovisual media services is prohibited.

(11) If media service providers referred to in paragraph (2) let. b) change the initial location for delivering-receiving the signal of provided television services, the media service distributor is entitled to claim from those providers to compensate for reasonable expenses necessary to ensure the reception of the signal.

Article 56. Annual report of the media service distributor

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

- a) localities or, as the case may be, the territory where retransmitted audiovisual media service offers are distributed;
- b) the list of audiovisual media services included in the retransmitted audiovisual media service offers;
- c) data identifying beneficial owners of the legal entity holding the retransmission licence, and the value of their share of participation;
- d) personal declarations of persons referred to in let. c) holding more than 20% of the share capital or voting rights of the retransmission licence holder, indicating whether they are founders or investors, direct or indirect, to other media service distributors or media service providers, specifying the percentage held in their share capital;
- e) other information requested by the model report approved by the Broadcasting Council.

Chapter VIII

ON-DEMAND (NON-LINEAR) AUDIOVISUAL MEDIA SERVICES

Article 57. Organisation of on-demand audiovisual media services

(1) The on-demand audiovisual media service shall meet the following cumulative requirements:

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

(2) On-demand audiovisual media services consist of the following types of services:

- a) *On-demand video* – on-demand (free and / or paid) audiovisual media service that gives the user access at his/her individual request and at the time chosen by him/her to watch movies, videos, shows (live or recorded), as well as other types of video materials brought together in a catalogue of programmes;
- b) *Rerun video* – on-demand audiovisual media service, which offers the user, for a limited period of time, access to view again, at the individual request and at the time chosen by him/her, audiovisual programmes previously broadcast on a television service.

Article 58. Requirements for notifying the provision of on-demand audiovisual media services

(1) The person who intends to provide on-demand audiovisual media services shall notify the Broadcasting Council about this intention at least 7 working days before starting the activity.

(2) For the purposes of the notification, the applicant shall submit a declaration, the model of which may be accessed on the official website of the Broadcasting Council, which shall contain at least the following data:

- a) the name of the applicant;
- b) the name of the legal representative of the applicant;
- c) the correspondence address and the legal address, in case of a legal person;
- d) the name of on-demand audiovisual media service;
- e) the type of on-demand audiovisual media service;
- f) the electronic communications network used;
- g) localities or, as the case may be, the territory of providing on-demand audiovisual media service;
- h) conditions of access to on-demand audiovisual media service;
- i) sources of funding;
- j) the estimated start date of the activity.

(3) The applicant shall attach the following documents to the declaration for notification submitted to the Broadcasting Council:

- a) the copy of the document certifying the registration of the legal person;
- b) the copy of the identity document of the applicant who is a natural person.

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

(5) For the provision and distribution of on-demand audiovisual media services provided for in Article 57 paragraph (2) let. b), notifying the Broadcasting Council is not necessary.

(6) For the distribution of on-demand audiovisual media services provided for in Article 57 paragraph (2) let. a), notifying the Broadcasting Council is not necessary, provided that the respective providers have an opinion on the provision of on-demand audiovisual media services.

(7) The provision of on-demand audiovisual media services through electronic communications networks using digital terrestrial frequencies is possible only on the basis of a broadcasting licence granted by the Broadcasting Council under the terms of the law.

Article 59. Notification of the provision of on-demand audiovisual media service

(1) Within 10 working days from the date of receiving the declaration submitted for the notification, the Broadcasting Council shall issue to the applicant the opinion on the provision of on-demand audiovisual media service free of charge. This deadline may be extended by up to 10 business days if the notification is incomplete.

(2) The notice for the provision of on-demand audiovisual media service shall contain, as the case may be:

- a) the number and date of issue of the document;
- b) identification data of the issuer of the broadcasting licence;
- c) the name and type of on-demand audiovisual media service;
- d) identification data of electronic communications networks used;
- e) address of the webpage and / or e-mail;
- f) localities or, as the case may be, the territory of providing on-demand audiovisual media service.

(3) The failure to acknowledge receipt of a complete notification by the Broadcasting Council may not constitute an impediment to starting on-demand audiovisual media service activity.

(4) On-demand audiovisual media service providers are obliged to notify the Broadcasting Council about any modification of data in documents provided under Article 58 paragraphs (2) and (3), filed at the time of notification, as well as the data provided in paragraph (2) let. b) -f) of the same article included in the declaration for notification, within 30 days from the date of the respective changes.

(5) The rights provided by the notification for the provision of on-demand audiovisual media services cannot be transmitted to third parties.

Article 60. Activity of on-demand audiovisual media service providers

(1) On-demand audiovisual media service providers shall submit by 1 February an annual report on the European audiovisual works broadcast during the previous year to the Broadcasting Council. The model report, which may be accessed on the official website of the Broadcasting Council, shall include at least the following data:

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

(2) On-demand audiovisual media service providers are required to publish on the on-demand audiovisual media service website, in a visible place, the following categories of updated information:

- a) the name, legal status and legal address;
- b) the name of the legal representative and the shareholder structure up to the level of a natural and legal person, associate or shareholder holding a share greater than 20% of the share capital or voting rights within the company;
- c) names of persons responsible for the management of the commercial company and of those who assume mainly the editorial responsibility;

d) coordinates of on-demand audiovisual media service provider, including the e-mail address where it can be contacted quickly and directly.

(3) On-demand audiovisual media service providers are required to provide on the on-demand audiovisual media service webpage a form for notifications and complaints.

(4) In order to achieve official records, the Broadcasting Council shall draw up and keep up to date the Register of on-demand audiovisual media service providers, which shall be published on its official website.

(5) Should the on-demand audiovisual media service cease, the respective provider shall notify the Broadcasting Council within 10 working days from the date of cessation of the respective activity.

Article 61. Obligations of providers of on-demand audiovisual media services

(1) Providers of on-demand audiovisual media services shall comply with:

- a) requirements for the protection of minors laid down in this Code;
- b) obligations to promote European audiovisual works, established by this Code;
- c) requirements for audiovisual commercial communications established by this Code.

(2) On-demand audiovisual media service provider shall keep a copy of each audiovisual programme included in the on-demand 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 on-demand audiovisual media service is subject to a request for granting the right of reply and / or rectification, the media service provider shall 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 Broadcasting Council, on-demand audiovisual media service providers shall be obliged to make copies of the audiovisual programme in a standard format within maximum 3 working days from the date of the request, allowing the programme to be viewed just like it was made available for viewing.

(5) Providers of on-demand audiovisual media services shall be required to provide to the public information on prices and tariffs applied.

Chapter IX

AUDIOVISUAL COMMERCIAL COMMUNICATIONS

Article 62. The right to broadcast audiovisual commercial communications

(1) Media service providers shall have the right to broadcast audiovisual commercial communications in return for a payment or similar remuneration or for the purpose of self-promotion, in accordance with this Code, with the Law No 1227/1997 on Advertising and the Audiovisual Content Regulation.

(2) Media service providers are entitled to broadcast the following forms of audiovisual commercial communication:

- a) sponsorship;
- b) advertising;
- c) teleshopping;
- d) placement of products;
- e) self-promotion;
- f) interactive advertising;
- g) split screen advertising;
- h) virtual advertising;
- i) virtual sponsorship;
- j) other forms of audiovisual commercial communications.

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 the editorial content, and shall comply with the provisions of this Code and the Audiovisual Content Regulation.

(3) Audiovisual commercial communications shall be prohibited for:

- a) cigarettes and other tobacco products, electronic cigarettes;
- b) medicinal products and / or medical treatments, available only on prescription;
- c) occult practices;
- d) other products and services, in accordance with the legislation in force.

(4) It is forbidden to broadcast audiovisual commercial communications which

- a) have commercially surreptitious or deceptive content;
- b) use techniques of subliminal messages;
- c) prejudice honour, dignity and professional reputation;
- d) include and / or promote any discrimination based on sex, race, nationality, religion, age, disability or sexual orientation, freedom of conscience, thought;
- e) encourage behaviour that is harmful to the health and / or safety of the person;
- f) encourage behaviour that is harmful to environmental protection.

(5) Media service providers shall bear responsibility for the content of audiovisual commercial communications.

(6) Media service providers are required to harmonize the sound level of audiovisual programmes with that used in the broadcasting of audiovisual commercial communications.

Article 64. Requirements for the protection of minors

(1) Media service providers shall broadcast audiovisual commercial communications in compliance with provisions of Article 15.

(2) It is forbidden to broadcast audiovisual commercial communications which:

- a) unduly put the minor in situations of abuse or other danger;
- b) cause moral, physical or mental harm to minors;
- c) directly instigate minors, by exploiting their lack of experience or their credulity buying/renting a product or performing a service;
- d) encourage minors to persuade their parents or others to purchase the goods or services covered by audiovisual commercial communication;
- e) exploit the special confidence that minors have towards parents, teachers or other people;
- f) are intended for the marketing of alcoholic beverages and specifically target minors.

Article 65. Sponsorship of audiovisual programmes

(1) The sponsored audiovisual programme shall meet the following criteria:

- (a) its content and scheduling shall not be influenced by the sponsor in a manner that interferes with the editorial independence and responsibility of the media service provider;
- (b) it does not encourage directly the sale, purchase or rental of products and / or services of the sponsor or a third party, in particular through promotional or commercial references relating to those products or services;
- (c) it has to be identified accurately by specifying the name, logo and / or any other symbol appropriate to the sponsor, as well as by indicating its products or services, or by a distinctive sign duly presented for such audiovisual programmes at the beginning, in the content and / or the end of the respective programmes, in order to inform the users of audiovisual media services about the existence of a sponsorship agreement.

(2) The sponsorship of audiovisual news programmes and those with up-to-date information and analytical content shall be prohibited.

(3) No audiovisual programme may be sponsored by natural or legal persons whose main activity is the manufacture and / or marketing of cigarettes and other tobacco products, electronic cigarettes.

(4) Audiovisual programmes sponsored by undertakings whose activities include the manufacture or sale of medicinal products and / or medical treatments may promote the name and image of the undertaking without promoting certain medicinal products or medical treatments available only on the basis of medical prescription.

(5) The sponsorship of audiovisual programmes by political parties and other social and political organizations is prohibited.

(6) Within one day, the duration of audiovisual programmes sponsored by the same sponsor may not exceed 25% of the cumulative duration of audiovisual programmes that may be sponsored from each general and news audiovisual media service.

Article 66. Advertising and teleshopping

(1) Advertising and teleshopping must be clearly identifiable and separated from the 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 impaired, taking into account the breaks in the respective programmes, their duration and nature, and without prejudicing the copyright and related rights.

(3) Broadcasting films designed for television (except for serials, serial-story columns and documentaries), cinematographic works and audiovisual news programmes may be interrupted by advertising and / or teleshopping once in a period of at least 30 minutes. Broadcasting audiovisual programmes for children

may be interrupted by advertising and / or teleshopping only once in a period of at least 30 minutes, provided that the scheduled duration of the programme exceeds 30 minutes. Advertising or teleshopping may not be included in religious audiovisual programmes.

(4) Public media service providers shall not have the right to broadcast teleshopping.

(5) Public media service providers may only advertise in audiovisual programmes reflecting events of major interest.

(6) Provisions of this article shall not apply to audiovisual media services dedicated exclusively to advertising and teleshopping.

Article 67. Advertising spots and teleshopping spots

1. The proportion of advertising spots and teleshopping spots within one hour may not exceed 20%, respectively, 12 minutes cumulatively.

(2) Provisions of paragraph (1) shall not apply to:

- a) self-promotion messages;
- b) sponsorship messages;
- c) placement of products;
- d) messages of general interest and humanitarian messages broadcast free of charge;
- e) public interest messages broadcast free of charge;
- f) electoral advertising, broadcast free of charge.

(3) Advertising spots and teleshopping spots shall be separated from those provided in paragraph (2) by optical, acoustic and / or spatial means.

(4) The isolated advertising spots shall be allowed only in sports broadcasts and, exceptionally, in other live broadcasting programs.

(5) Provisions of this article shall not apply to audiovisual media services dedicated exclusively to advertising and teleshopping.

Article 68. Teleshopping programmes

(1) The teleshopping programme shall be separated from other audiovisual programmes by optical, acoustic and / or spatial means.

(2) The window dedicated to teleshopping programmes shall have an uninterrupted duration of at least 15 minutes, the maximum number of windows dedicated to teleshopping programmes being 8 per day. The overall duration of windows dedicated to teleshopping programmes shall not exceed 3 hours per day.

(3) Advertising spots may not be broadcast in teleshopping programmes.

(4) Provisions of paragraphs (1) and (2) shall not apply to audiovisual media services dedicated exclusively to teleshopping.

Article 69. Placement of products

(1) The placement of products in audiovisual media services is allowed, with the exception of audiovisual news programmes and those with up-to-date informative-analytical content, those devoted to business for users, religious and audiovisual programmes for children, or of those with content intended primarily for children.

(2) Audiovisual programmes containing placement of products shall meet the following requirements:

- a) not to influence the content of the audiovisual programmes and their programming in a way that affects the responsibility and editorial independence of the media service provider;
- b) not to encourage directly the purchase or rental of goods or services, in particular by expressly mentioning the products or services concerned in a promotional manner;

c) not to highlight or draw attention to such goods in an exaggerated manner, by prominence, emphasis or unjustified reference.

(3) Media service providers are required to broadcast the message about the placement of products:

- a) at the beginning or at the end of the audiovisual programme containing product placement;
- b) when resuming, after the interruption, the audiovisual programme containing placement of products.

(4) Provisions of paragraph (3) shall not apply to audiovisual programmes that have neither been produced nor ordered by the media service provider or a person affiliated to it.

(5) It is prohibited to place products regarding:

- a) cigarettes and other tobacco products, electronic cigarettes;
- b) products and / or services of natural and legal persons having as their main activity the manufacture or sale of cigarettes or other tobacco products;
- c) medicinal products or medical treatments available only on prescription.

(6) Thematic placement is forbidden.

Article 70. Advertising and teleshopping for alcoholic beverages

(1) Media service providers are entitled to broadcast advertising and teleshopping for alcoholic beverages in accordance with this Code, with the Law No 1227/1997 on Advertising and the Audiovisual Content Regulation.

(2) Advertising and teleshopping for alcoholic beverages in audiovisual media services shall comply with the following requirements:

- a) not primarily target minors and not present minors drinking such beverages;
- b) not to establish a correlation between alcohol consumption and increased physical performance or to driving;
- c) not to create the impression that alcohol consumption favours social and sexual success;
- d) not to claim that alcohol possesses therapeutic qualities or that it is an incentive, a sedative or a means of solving personal conflicts;
- e) not to encourage excessive alcohol consumption and not to present abstinence or moderation in a negative light;
- f) not to highlight the high alcohol content as a positive attribute of beverages.

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, with the Law No 1227/1997 on Advertising and the Audiovisual Content Regulation.

2. Broadcasting teleshopping for medicinal products subject to marketing licence pursuant to 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 the Law No 1227/1997 on Advertising.

Chapter X BROADCASTING COUNCIL

Article 73. Mission of the Broadcasting Council

(1) The Broadcasting Council is a guarantor of the public interest in the audiovisual field and its mission consists in contributing to the development of audiovisual media services in accordance with the principles

of audiovisual communication provided for by this Code, with international norms, standards and best practices in the field.

(2) For the purposes of this Code, public interest in the audiovisual field is an interest in ensuring a pluralistic and objective information of the population, a superior interest in relation to political, economic, commercial, ideological or other interests.

Article 74. Status of the Broadcasting Council

(1) The Broadcasting Council is an autonomous public authority, is organizationally independent from any other entity and is responsible for implementing the provisions of this Code.

(2) The Broadcasting Council has the status of a legal person governed by public law.

(3) The Broadcasting Council is consulted on draft normative acts regulating activities in the audiovisual field and related fields.

(4) The Broadcasting Council is consulted on the process of defining the position of the Republic of Moldova in international negotiations on the audiovisual field and, through its representatives, participates in them.

(5) The Broadcasting Council is responsible for the implementation of international conventions and international treaties to which the Republic of Moldova is a party.

Article 75. Duties of the Broadcasting Council

(1) The Broadcasting Council shall ensure the development of audiovisual media services in accordance with the principles of audiovisual communication provided for in this Code.

(2) The Broadcasting Council shall develop, publicly debate, approve, update and implement strategies for the medium- and long-term development of audiovisual media services.

(3) In order to carry out its tasks, the Broadcasting Council shall develop and supervise the implementation of:

- a) regulations regarding the conditions, criteria and procedure for granting, extending, modifying, suspending and revoking broadcasting and retransmission licences;
- b) regulations on the content of linear and non-linear audiovisual media services as well as on video-sharing platform services;
- c) regulations on audiovisual commercial communications;
- d) regulations on the legal property status;
- e) regulations on the appointment of members of the Supervisory Board and on the examination of its annual activity report;
- f) regulations on access to audiovisual media services, correct information, the right to reply, the protection of minors and persons with disabilities, gender equality;
- g) regulations on the protection of the national broadcasting space;
- h) methodologies for monitoring the content of linear and non-linear audiovisual media services, as well as video-sharing platform services;
- i) methodologies for monitoring audiovisual pluralism and compliance with rules on the remedy of situations relating to the **dominant** position in public opinion formation;
- j) other normative acts that ensure the implementation of provisions of this Code;
- k) internal rules and procedures referred to in Article 80.

(4) The Broadcasting Council shall:

(a) exercise control over how 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 they have been provided, in accordance with Article 7 paragraph (5);

b) draw up and approve the list of events of major importance;

c) review and resolve petitions and complaints regarding the activity of media service providers, video-sharing platform service providers and media service distributors, including on the 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 Broadcasting Council;
- e) cooperate with similar institutions in other states to take over and implement international best practices and standards in the audiovisual field;
- f) cooperate with other public authorities and competent institutions of the Republic of Moldova to implement audiovisual legislation;
- g) perform duties stipulated by the Electoral Code and other normative acts;
- h) require from media service providers, video-sharing platform service providers and media service distributors information on their activity, indicating the legal basis, purpose of the request, and the deadline for submitting that information;
- i) initiate and organize research activities in the field of audiovisual, market studies, surveys, audience studies and other studies in order to apply legal provisions in the field and, for this purpose, has the right to contract specialized institutions under the conditions of the Law No 131/2015 on Public Procurement;
- j) maintain and update the register of media service providers, video-sharing platform service providers and media service distributors.

(5) The Broadcasting Council shall ensure transparency of:

- a) ownership and financing of media service providers and media service distributors under the jurisdiction of the Republic of Moldova;
- b) tariffs and conditions regarding the use of audiovisual media services;
- c) own activity.

(6) In order to exercise its attributions, the Broadcasting Council shall issue normative acts, as well as professional rules of recommendation.

(7) The Broadcasting Council shall impose sanctions in accordance with this Code.

(8) The Broadcasting Council shall carry out other duties in accordance with this Code.

Article 76. Composition of the Broadcasting Council

(1) The Broadcasting Council is made up of 9 members, who must be uncorrupted and have professional experience in the fields of audiovisual, communication and journalism, law, cinema, culture, science and research, information and communication technology, advertising, as well as in the academic activity. When establishing the Broadcasting Council, the principle of gender equality shall be observed.

(2) The Broadcasting Council shall consist of:

- a) 2 members proposed by Parliament;
- b) one member proposed by the President of the Republic of Moldova;
- c) a member proposed by the Government;
- d) 5 members proposed by civil society organizations, selected by public contest.

(3) Candidates to the position of member of the Broadcasting Council shall be selected by the parliamentary commission. Sixty days before the end of his/her mandate as a member of the Broadcasting Council, the Chairperson of the specialised parliamentary commission shall:

- a) request entities listed in paragraph (2) let. a) -c) to propose 2 candidates for each vacant position as a member of the Broadcasting Council;
- b) announce a public competition for the selection of candidates proposed by civil society organizations by publishing on the official website of the Parliament and on the official website of the Broadcasting Council the regulations for organizing and conducting the competition in question and the deadline for submitting files, according to the position whose entity becomes vacant.

(4) Within 15 working days from the deadline for submission of files, the parliamentary committee shall conduct the competition according to the Regulation and shall select one candidate for each vacant post. If no candidate is selected for one or more vacant positions, a new competition shall be organized within 10 working days, under the terms of this article.

(5) The person who meets cumulatively the following requirements may run for membership of the Broadcasting Council:

- (a) holds a Bachelor's degree or equivalent of it and has at least 5 years of experience in one of the fields referred to in paragraph (1);
- b) knows the provisions of national and European Union law, as well as good international practices in the field of audiovisual and related fields;
- c) holds the citizenship of the Republic of Moldova;
- d) knows Romanian and at least one foreign language;
- e) is not a member of a political party and / or a political affiliate;
- f) does not directly or indirectly hold any, including financial, interests to media service providers, media service distributors, electronic communication or advertising companies;
- g) has a perfect reputation;
- h) is not deprived of the right to hold a public office by a final court decision.

(6) The specialised parliamentary committee shall select or reject candidates running for membership of the Broadcasting Council by a motivated decision. After selecting candidates for membership of the Broadcasting Council, the specialised parliamentary committee shall submit a report in Parliament's plenary session, and the Legal Committee on Appointments and Immunities - an opinion on meeting the requirements of this article.

(7) The members of the Broadcasting Council shall be appointed by a decision of the Parliament, adopted with the vote of the majority of MPs present. If a candidate for membership of the Broadcasting Council does not meet the required number of votes, a new competition shall be announced within 10 working days of the plenary session of the Parliament, under the terms of this article.

(8) The Broadcasting Council members shall be appointed for a single six-year term.

(9) The renewal of the Broadcasting Council shall be carried out at staggered intervals. Upon the expiration of mandates, the new members of the Broadcasting Council shall be appointed in the order provided for by entities specified in paragraph (2).

(10) In the case of a vacancy ahead of schedule, a new member of the Broadcasting Council shall be appointed for the remainder of the mandate, at the proposal of the same entity.

Article 77. Members of the Broadcasting Council

(1) Members of the Broadcasting Council are not the entity that has appointed them and they shall honour their duties in accordance with the law, being free from the influence of any other public or private entities.

(2) During the term of office, the members of the Broadcasting Council shall be irremovable.

(3) The work schedule of members of the Broadcasting Council shall have a normal working time.

(4) The vacancy of the membership of the Broadcasting Council shall be lawful in the case of:

- a) expiry of the mandate;
- b) resignation;
- c) conviction by a final court decision;
- d) loss of citizenship of the Republic of Moldova;
- e) impossibility to exercise the position for more than 4 months, in an uninterrupted manner, established by supporting documents;
- f) motivated or unmotivated absence from at least 7 consecutive meetings;
- g) incompatibility with the membership of the Broadcasting Council, according to the provisions of Article 78;
- h) loss of full exercise capacity by a final court decision;
- i) death.

(5) In case of vacancy, the Chairperson of the Broadcasting Council shall submit a notification to the parliamentary committee within 5 working days from the date of the vacancy of the position.

(6) In the case provided for in paragraph (4) let. a) the member of the Broadcasting Council shall continue to hold office until another person is appointed for that position, but not more than 6 months. In the cases

provided for in paragraph (4) let. b) -i), the position of member of the Broadcasting Council shall be vacant from the date of issue of the order by the Chairperson of the Broadcasting Council.

(7) Members of the Broadcasting Council shall exercise public dignity office.

(8) Members of the Broadcasting Council may not, during the exercise of their duties, make statements or take actions that may harm the independence of their office and may not take advantage of their office in order to obtain political, economic or other advantages.

Article 78. Incompatibilities of the membership of the Broadcasting Council

(1) The membership of the Broadcasting Council shall be incompatible with any other public or private office, except for teaching and scientific one, if there are no conflicts of interest.

(2) During the term of office, members of the Broadcasting Council may not be members of political parties or other socio-political organizations.

(3) Members of the Broadcasting Council, as well as their close relatives, within the meaning of the Law No 133/2016 on the Declaration of Assets and Personal Interests, shall not be entitled to hold, directly or indirectly, shares or stocks in commercial companies with activities in areas in which they are in conflict of interest as a member of the Broadcasting Council.

(4) Members of the Broadcasting Council and their close associates may not be members of the boards of directors or governing bodies of media service providers and media service distributors, nor may they exercise functions or hold shares or stocks of a legal person holding a broadcasting licence or a retransmission licence.

(5) For the purpose of applying the provisions of paragraphs (3) and (4), members of the Broadcasting Council shall file a public statement of compliance on their own responsibility.

(6) The member of the Broadcasting Council, who at the time of his/her appointment, is in one of the situations provided for in paragraphs (1) - (4) has 30 days to remove the incompatibility situation, during which he/she does not have the right to vote in the Broadcasting Council.

Article 79. Management of the Broadcasting Council

(1) The Broadcasting Council is headed by a Chairperson and a Deputy Chairperson elected by secret ballot by at least 6 Council members.

(2) The Broadcasting Council meeting during which the chairperson is elected shall be chaired by the oldest member of the Council.

(3) The Chairperson of the Broadcasting Council is responsible for the activity of the Broadcasting Council in the exercise of duties provided for by this Code.

(4) The Chairperson of the Broadcasting Council shall:

- a) convene and preside the meetings of the Broadcasting Council;
- b) sign decisions and other acts issued by the Broadcasting Council;
- c) ensure the management of budget allocations and the management of public patrimony in accordance with the principles of good governance;
- d) appoint and dismiss the staff of the office of the Broadcasting Council;
- e) issue orders regarding the activity of the Broadcasting Council;
- f) submit to the Parliament the annual activity report of the Broadcasting Council;
- g) represent the Broadcasting Council in relations with public authorities, with legal entities, as well as in international relations;
- h) represent the Republic of Moldova in international organizations on issues related to audiovisual media services.

(5) In the absence of the Chairperson of the Broadcasting Council, as well as in the case of the rightful appearance of the vacancy of the office of Chairperson and until the election of a new chairperson, the duties of the Chairperson shall be exercised by the Deputy Chairperson.

(6) The Chairperson and the Deputy Chairperson of the Broadcasting Council may be removed, by secret ballot, on the proposal of 3 members and with the vote of at least 6 members of the Broadcasting Council.

Article 80. Organization and functioning of the Broadcasting Council

(1) The Broadcasting Council shall act on the basis of its own organization and functioning regulation.

(2) In order to exercise its duties, the Broadcasting Council shall establish its own functional structure, as well as may establish territorial functional structures.

(3) The meetings of the Broadcasting Council shall be deliberative with the presence of at least 6 members. The Broadcasting Council shall adopt decisions with the vote of at least 5 members, except in the cases provided for by this Code. All decisions of the Broadcasting Council shall be motivated.

(4) The Broadcasting Council meetings shall be public. The vote expressed by each member of the Broadcasting Council shall be always accompanied by reasoning. Members of the Broadcasting Council may vote in favour or against, openly or secretly, without being allowed to refrain from voting.

(5) Debates in the meetings of the Broadcasting Council and results of the voting shall be registered with the minutes, signed by the Chairperson of the Broadcasting Council. The decisions, together with the minutes, shall be published on the official website of the Broadcasting Council within 10 working days from the date of adoption of these decisions.

(6) During electoral campaigns, decisions regarding the examination of appeals by the Broadcasting Council shall be published on the official website within 2 days from the date of the decision.

(7) The normative decisions issued by the Broadcasting Council shall enter into force on the date of their publication in the Official Gazette of the Republic of Moldova. The other decisions of the Broadcasting Council shall be mandatory from the date indicated in the decision.

(8) The Broadcasting Council shall publish the decisions on its official website and in the Official Gazette of the Republic of Moldova.

Article 81. Financing of the Broadcasting Council

(1) The budget of the Broadcasting Council shall consist of subsidies from the State Budget and from own revenues.

(2) Subsidies from the State Budget shall be established annually, by the state budget law, and shall represent the volume of subsidies from the State Budget approved for the previous year, indexed with the consumer price index of the last budget year fully executed.

(3) The Broadcasting Council's own revenues come from donations, sponsorships and other legal sources. The revenue from natural or legal persons with an interest in the audiovisual field shall not be a source for filling the budget of the Broadcasting Council.

(4) The Broadcasting 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 Broadcasting Council shall be audited by the Court of Accounts in accordance with the legislation in force.

Article 82. Remuneration of the Broadcasting Council members

(1) Members of the Broadcasting Council shall be remunerated in accordance with the Law No 355/2005 on the Salary System in the Budgetary Sector.

(2) The Chairperson of the Broadcasting Council shall be remunerated with a monthly salary equivalent to the salary provided for the minister office.

(3) The Deputy Chairperson of the Broadcasting Council shall be remunerated with a monthly salary of 95% of the monthly salary provided for the Chairperson of the Broadcasting Council.

(4) Members of the Broadcasting Council shall be remunerated with a monthly salary in the amount of 90% of the monthly salary provided for the Chairperson of the Broadcasting Council.

Article 83. Supervisory and control activity

(1) The Broadcasting Council shall be in charge of supervising the compliance with the provisions of this Code and sanctioning violations, as well as controlling the fulfilment of obligations and decisions adopted pursuant to and for the application of this Code.

(2) For the purposes of its supervision and control duties, the Broadcasting Council shall request the information and documents necessary for the application of provisions of this Code. The applicant shall indicate the legal basis, the purpose of the request and the date of submission of the information.

(3) The Broadcasting Council shall exercise the control:

- a) ex officio;
- b) upon the notification of a public authority;
- c) following a petition filed by a natural or legal person.

(4) In cases provided for in paragraph (3) let. b) and c), the Broadcasting Council, within 15 working days from the filing of the notification or petition, shall carry out a control over the factual circumstances. That term may be extended by a decision of the Broadcasting Council no later than 15 working days. Within no more than 5 business days after the control of the facts, the Broadcasting Council shall examine the notification or petition in public session, announce the results of the audit, ask the interested parties and decide to reject or accept the notification or petition and, as the case may be, apply a sanction, under the conditions provided by this Code.

(5) The results of the control carried out under paragraph (3) let. a) shall be examined in public session, with the hearing of the interested subjects.

(6) For the purposes of this article, the representatives of the public authority submitting the complaint, the natural or legal person submitting the petition or their representatives empowered by proxy, the representatives of the civil society organization submitting the complaint and the representatives of the media service provider, video-sharing platform service provider, and media service distributor shall be deemed to be interested parties.

(7) Except for the electoral period, the Broadcasting Council shall inform 10 working days before of the public hearing the interested subjects about the date, the time and the place of the public hearing that will examine the complaints.

(8) The Broadcasting Council shall examine the complaint or the petition in the absence of interested subjects if the procedure of prior information has been followed.

(9) Decisions adopted by the Broadcasting Council, in accordance with paragraph (3) shall be constituted by the descriptive part, motivation and device.

(10) The descriptive part shall refer to the factual and legal grounds on which the control was exercised, as well as to defend claims and arguments raised by the interested subjects, the results of the control carried out by the Broadcasting Council, other important circumstances.

(11) The motivation part shall refer to violations detected after the control or the lack thereof, the arguments and evidence on which conclusions on the results of the control are based, as well as the legal provisions of the Broadcasting Council.

(12) The operative part of the decision includes the conclusion of the Broadcasting Council regarding the admission or rejection in whole or in part of the complaint or petition, the sanction applied, measures binding the interested parties to an action or inaction, the way and the time to challenge the decision, the enforcement term and measures necessary to ensure that the decision is enforced.

(13) The Broadcasting Council shall fully contribute to settling amicably complaints and petitions.

(14) If constitutive elements of an offense are detected during the control, or the competence of another authority is found, the Broadcasting Council shall hand over the relevant materials to the competent authority.

(15) The Broadcasting Council shall, annually control, ex officio, how legal provisions in force are enforced by media service providers, video-sharing platform service providers and media service distributors. The results of the control shall be reflected in the annual activity report of the Broadcasting Council.

Article 84. Sanctions

(1) Media service providers, video-sharing platform service providers and media service distributors shall be liable for violations of audiovisual laws in accordance with this Article and the legislation in force.

(2) For violation of the provisions of this Code, the Broadcasting Council shall apply individual sanctions, depending on the gravity of the violation, its effects, and the frequency of violations committed during the last 12 months.

(3) Media service providers who have committed the first violation of the provisions stipulated in the following articles shall be sanctioned by public warning:

a) Article 4 paragraphs (3), (4) and (6) to (9), Article 5 paragraph (2), Article 6 paragraphs (4) - (6), Articles 13-15, Article 16 paragraph (3), Article 19 paragraphs (2) - (6), Article 20 paragraphs (5), (10) and (11) and Article 22 of this Code;

b) Article 70 paragraphs (2), (6) and (11) of the Electoral Code.

(4) Media service providers who have committed the first violation of the provisions of Article 55 paragraphs (2) - (10) shall be sanctioned by public warning.

(5) The media service providers and media service distributors who have committed the following violations shall be sanctioned by a fine of MDL 5,000 to MDL 10,000:

a) the refusal to be subject to control in accordance with the provisions of Article 76 paragraph (4) let. a), the refusal to allow access to premises where they operate, the refusal to create conditions for viewing the offer for retransmitted audiovisual media services or to make available to the authorized representatives the required documents and the recordings of the broadcast audiovisual programmes;

b) the failure to observe the offer of retransmitted audiovisual media services by the media services distributor;

c) failure to submit annual activity reports and retransmission contracts for audiovisual media services by 1 February of the year following the reporting one;

d) illegal use of signals and / or the logo of another media service provider;

e) failure to observe the provisions regarding the communication of reasons and the object of the sanction, provided for in paragraphs (11) to (13) of this Article;

f) the transmission / retransmission of audiovisual media services in violation of provisions of the broadcasting licence or of the retransmission licence;

g) failure to observe the general concept of the audiovisual media service, approved by the Broadcasting Council;

h) failure to observe provisions of Article 23 and to submit, at the request of the Broadcasting Council, the contracts concluded with the holders of copyright and related rights;

i) failure to observe provisions of Article 24 paragraphs (2) and (3) and the refusal to make available the recordings of the audiovisual media service to the Broadcasting Council;

j) failure to observe provisions regarding the conditions for the provision of audiovisual commercial communications stipulated in Article 63 paragraphs (2) to (4) and Article 64, the fine being applied for each case of violation found;

k) repeated committing of violations referred to in paragraphs (3) and (4) of this Article;

l) failure to observe provisions of Article 63 paragraph (6).

(6) Media service providers and media service distributors who have committed the following violations shall be penalized with a fine from MDL 10000 to MDL 15000:

- a) failure to comply with the decisions of the Broadcasting Council regarding the protection of minors;
- b) the use of the subliminal message technique in advertising or teleshopping spots;
- c) failure to observe the obligation to ensure the transparency of the property of media service providers, referred to in Article 21, and the legal property regime, referred to in Article 28 paragraphs (2) to (12) and Article 29 paragraph (7);
- d) repeated committing of violations provided for in paragraph (5) of this Article, with the exception of Article 19 paragraph (2);
- e) failure to observe provisions of Article 69 paragraphs (5) and (6) and Article 70 paragraphs (3) - (5) of the Electoral Code.

(7) Media service providers and media service distributors who have committed the following violations shall be fined from MDL 15000 to MDL 20000:

- a) transmission / retransmission of audiovisual media services in the absence of a broadcasting licence or retransmission licence;
- b) transmission / retransmission of audiovisual media services outside the coverage area specified in the broadcasting licence or in the retransmission licence;

- c) retransmission of audiovisual media services in violation of provisions of Article 53-55;
- d) distribution of cinematographic works outside the periods provided for in contracts concluded with the holders of copyright and related rights or without obtaining a valid licence entitling them to broadcast;
- e) unmotivated interruption of the activity of the media service provider or the media service distributor for more than 10 days or for more than 30 intermittent days during a calendar year;
- f) repeated committing of violations provided for in paragraph (6) of this Article;
- g) failure to observe provisions of Article 70 paragraphs (9) and (10) of the Electoral Code.

(8) Media service providers and media service distributors who have repeatedly committed, during 12 months, violations referred to in paragraph (7) shall be penalized with a fine from MDL 25000 to MDL 30000.

(9) Media service providers and media service distributors who have violated provisions of Article 11 paragraph (2) and Article 17 shall be penalized with a fine from MDL 40000 to MDL 70000. For the repeated violation of these provisions, the fine shall be from MDL 70000 to MDL 100000. Withdrawal of the broadcasting licence for breach of provisions of Article 11 paragraph (2) and Article 17 shall apply after penalties provided for in this paragraph have been applied progressively.

(10) The media service provider or the media service distributor who has repeatedly committed, within 12 months, violations referred to in paragraph (8) shall be sanctioned with the suspension of the broadcasting licence or the retransmission licence. Suspension of the broadcasting licence or retransmission licence shall be applied after penalties provided for in paragraphs (4) - (8) have been applied progressively.

(11) The media service provider or the media service distributor who was applied one of sanctions provided for in this article shall be obliged to disclose to the public the reasons and subject matter of the sanction as laid down by the Broadcasting Council in the decision on the application of the sanction.

(12) The text of the sanction shall be disseminated within the next 48 hours from the date of the decision on the application of the sanction, by radio and / or TV, at least 3 times, during the maximum audience hours, of which once in the main audiovisual news programme, in the case of generalist and / or news media audiovisual services, in accordance with that decision of the Broadcasting Council.

(13) The sanctioned media service distributor shall undertake to broadcast the text of the sanction periodically for 24 hours in accordance with the decision of the Broadcasting Council on the application of the sanction.

(14) The broadcasting licence shall be withdrawn under the conditions of Article 27, and the retransmission licence - under Article 54 paragraph (7).

(15) The decision of the Broadcasting Council on the application of the sanction shall be reasoned, becoming enforceable from the date of its publication. Decisions of the Broadcasting 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.

(16) In order to protect the national broadcasting space, the court shall examine disputes arising from the violation of provisions of Article 11 paragraph (2) and Article 17 within 30 days. The appeal or challenge shall be filed within 3 days from the date of the decision and shall be examined within 10 days.

(17) If, within 12 months of the date of the last sanction, the media service provider or the media service distributor does not commit other breaches of provisions of this Code, the earlier sanctions shall be deemed null and void.

Article 85. Cooperation with other public authorities

(1) In order to exercise its duties, the Broadcasting Council shall cooperate with 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 Broadcasting Council shall cooperate with the Competition Council in order to ensure fair competition in the audiovisual media services market, to prevent and exclude prevailing situations in the formation of public opinion through media service providers.

(4) The Broadcasting 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 Broadcasting Council shall cooperate with the authority responsible for the field of medicinal products in order to implement legislation on audiovisual commercial communications for medicinal products and medical treatments.

(6) The Broadcasting Council shall cooperate with the authority for the protection of intellectual property, as well as with the collective societies in order to ensure the protection of copyright and related rights in the audiovisual field.

(7) The cooperation of the Broadcasting Council may be extended to areas other than those provided for in this article, according to the competency assigned by law to the respective authorities.

(8) The Broadcasting Council shall reflect the results of cooperation with other public authorities in its annual activity report.

Article 86. Cooperation with civil society

(1) In order to exercise its duties, the Broadcasting Council shall cooperate with the profile representative organizations of the civil society in order to:

- a) draw up documents related to the audiovisual field;
- b) monitor audiovisual media services;
- c) develop relevant analyses, expertise and recommendations in the audiovisual field;
- d) consult on important aspects of the audiovisual field;
- e) other needs.

(2) Proposals and suggestions of profile representative organisations of the civil society have a recommendation role for the Broadcasting Council.

(3) The Broadcasting Council shall reflect the results of its cooperation with civil society in its annual activity report.

Article 87. Responsibility of the Broadcasting Council

- (1) The Broadcasting Council shall submit the annual activity report in the plenary session of the Parliament.
- (2) By 1 March of the following year, the Broadcasting Council shall submit to the specialised parliamentary committee the annual activity report, as well as publish it on its official website.

Chapter XI

FINAL AND TRANSITIONAL PROVISIONS

Article 88. Entry into force of this Code

This Code shall enter into force as of 1 January 2019, except for:

- a) Article 6 paragraphs (4) and (5), the implementation of which shall be ensured gradually during 3 years since the entry into force of this Code;
- b) Article 6 paragraph (6), the implementation of which shall be ensured gradually during 5 years since the entry into force of this Code;
- c) Article 26 paragraph (1), which shall be implemented 6 months after the entry into force of this Code;
- d) Article 28 paragraph (4), Article 29, Article 33 paragraph (2), which shall be implemented 12 months after the entry into force of this Code.

Article 89

- (1) The Broadcasting Council is the legal successor of the Audiovisual Coordinating Council.
- (2) Members of the Audiovisual Coordinating Council shall act until the end of their term of office.
- (3) Members of the Council of Observers of the National Public Broadcaster "Teleradio-Moldova" shall act until the end of their terms of office.

Article 90

- (1) Within 12 months after the entry into force of this Code, media service distributors shall adjust the structure of audiovisual media service offerings to the provisions of Article 55.
- (2) Provisions of Articles 57-60 shall apply 6 months after approval by the Broadcasting Council of the procedure for notification and issuance of the notice for the provision of (on-demand) non-linear audiovisual media services.

Article 91

- (1) The broadcasting licences granted before the entry into force of this Code shall be valid until the expiry of the period for which they were issued and shall be legally extended in accordance with the provisions of this Code.
- (2) The retransmission licences granted before the entry into force of this Code shall be valid until the expiry of the period for which they were issued.
- (3) The retransmission licence of "Moldtelecom" media service distributor S.A. shall be valid until the expiry of the period for which they were issued.

Article 92

The Code of Audiovisual Media Services of the Republic of Moldova no. 260/2006 (Official Gazette of the Republic of Moldova, 2006, no. 131-133, Article 679), with further amendments and addenda, shall be repealed as of the date of entry into force of this Code.

Article 93

Within 6 months of the entry into force of this Code, the Government shall:

- a) develop and submit to the Parliament proposals on bringing the legislation in line with this Code;
- b) bring its normative acts in compliance with this Code and ensure the development of normative acts necessary for its implementation.

Article 94

The Broadcasting Council:

a) within 6 months of the entry into force of this Code shall:

- set up regulations and undertake, within the limits of its powers, the necessary measures to protect the national broadcasting space;
- establish regulations, including on ensuring the person's right to access linear audiovisual media services;
- adopt the procedure for notification and issuance of the notice for the provision of non-linear audiovisual media services;

(b) within 12 months of the entry into force of this Code, shall approve the Audiovisual Content Regulation.

**SPEAKER OF THE PARLIAMENT
ANDRIAN CANDU**

**Chisinau, 26 July 2018.
No 174.**