



Strasbourg, 9 September 2022

CDL-REF(2022)026

Opinion No. 1090/2020

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

LAW NO. 102 OF 14 APRIL 2022
ON AMENDMENTS TO SOME NORMATIVE ACTS (EXCERPTS)

Art. I. – Article 1 of Law no. 54/2003 on counteracting extremist activity (Official Journal of the Republic of Moldova, 2003, no. 56–58, art. 245), with subsequent amendments, is amended as follows:

In the notion „extremist activity” point b):

the first paragraph is amended to read:

„b) the display, fabrication, dissemination, as well as the possession with a view to public diffusion of:

- Fascist attributes or symbols;
- National-Socialist (Nazi) attributes or symbols;
- attributes or symbols of an extremist organisation;
- generally known attributes or symbols used in the context of military aggression actions, war crimes or crimes against humanity, as well as in the context of propaganda and of the glorification of such actions;
- attributes or symbols created by stylising Fascist, National-Socialist (Nazi) attributes or symbols, attributes or symbols of an extremist organisation or generally known attributes or symbols used in the context of military aggression actions, war crimes or crimes against humanity, as well as in the context of propaganda and of the glorification of such actions, which can be mixed up with them.”

The second paragraph is amended to read:

„It is not considered display, fabrication, dissemination or possession with a view to public diffusion of National-Socialist (Nazi), Fascist attributes or symbols, attributes or symbols of an extremist organisation, generally known attributes or symbols used in the context of military aggression actions, war crimes or crimes against humanity, as well as in the context of propaganda and of the glorification of such actions, to represent them in school books/books or on other supports, bearing a scientific/educational character, to display them in scientific/educational exhibitions, to fabricate, possess or use them in theatre shows, in historic reconstructions, where the participants carry out a programme in accordance with a pre-set plan in order to re-enact various aspects of a historic event or period.”

Point b) is completed with a new paragraph reading as follows:

„Generally known attributes or symbols used in the context of military aggression actions, war crimes or crimes against humanity, as well as in the context of propaganda and of the glorification of such actions mean flags, coloured/awareness bands and ribbons (black and orange bicolour band), emblems (graphic elements, letters or figures and their combinations), badges, uniforms, slogans, greetings, as well as other insignia of the kind used by the participants in military aggression actions, war crimes or crimes against humanity, as well as by persons who without participating in such actions contribute to the dissemination and propagation in the society of ideas instigating to, justifying, glorifying and exonerating acts of military aggression, war crimes or crimes against humanity. The generally known character of such attributes and symbols is retained only when the respective attributes and symbols as well as their specific connotations are objectively known to the public at international and local levels. The bands and ribbons that are part of the insignia, medals and orders awarded to persons who participated in WWII are not generally known attributes or symbols used in the context of military aggression actions, war crimes or crimes against humanity, as well as in the context of propaganda and of the glorification of such actions;”

The notion „materials of extremist character” shall have the following content:

„*materials of extremist character* – materials intended for public diffusion, aimed to instigate extremist activities, to argue or justify the necessity of such activities or to justify the

practice of committing war crimes or other kind of crimes with a view to eliminate totally or partially an ethnic, social, racial, national or religious group, which may consist in:

- Documents or information printed on paper or presented on a different support, including anonymous items;
- National-Socialist (Nazi), Fascist attributes or symbols, attributes or symbols of an extremist organisation as well as generally known attributes or symbols used in the context of military aggression actions, war crimes or crimes against humanity, as well as in the context of propaganda and of the glorification of such actions;
- Attributes or symbols created by stylising Fascist, National-Socialist (Nazi) attributes or symbols, attributes or symbols of an extremist organisation or generally known attributes or symbols used in the context of military aggression actions, war crimes or crimes against humanity, as well as in the context of propaganda and of the glorification of such actions.”

Article II

98. Chapter XIX of the Contravention Code is completed with articles 365⁴ and 365⁵ that read as follows:

„Article 365⁴. Violation of legislation in the field of antiterrorist protection

(1) The violation of the Rules on antiterrorist protection of critical infrastructure, approved through Government Decision no. 701/2018, consisting in the lack of the antiterrorist passport of the critical infrastructure object, the lack of a guard plan for the object or disregard of the conditions for assessment, testing, check and update of the above

shall be sanctioned with a fine from 40 to 80 conventional units imposed on the accountable officer, with a fine from 80 to 120 conventional units imposed on the legal entity.

(2) The failure to observe mandatory prescriptions regarding the removal of the detected deficiencies, as well as regarding the carrying out of other measures to ensure the antiterrorist security of the critical infrastructure object issued in accordance with the Rules on the organising and carrying out of antiterrorist tests, approved by Government Decision no. 996/2018,

shall be sanctioned with a fine from 40 to 80 conventional units imposed on the accountable officer, with a fine from 80 to 120 conventional units imposed on the legal entity.

Article 365⁵. The violation of citizens' rights by disseminating generally known attributes and symbols that are used in the context of military aggression actions, war crimes or crimes against humanity, as well as in the context of propaganda and of the glorification of such actions

The fabrication, sale, dissemination, possession with a view to public diffusion of generally known attributes and symbols that are used in the context of military aggression actions, war crimes or crimes against humanity, as well as in the context of propaganda and of the glorification of such actions,

shall be sanctioned with a fine from 90 to 180 conventional units imposed on the natural person or with unpaid work benefiting the community from 30 to 60 hours, with a fine from 180 to 360 conventional units imposed on the accountable officer, with a fine from 360 to 600 conventional units imposed on the legal entity.”