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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
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REPUBLIC OF MOLDOVA

**LAW AMENDING THE AUDIOVISUAL MEDIA SERVICES CODE
OF THE REPUBLIC OF MOLDOVA NO. 174/2018
AND LAW AMENDING THE LAW NO. 62/2022 ON ADVERTISING**

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L E G E**amending the Audiovisual Media Services Code
of the Republic of Moldova No 174/2018**

The Parliament adopts this organic law.

Art. 1. - *The Code on Audiovisual Media Services of the Republic of Moldova No. 174/2018 (Official Gazette of the Republic of Moldova, 2018, No. 462-466, Art. 766), as amended, is amended as follows:*

1. In the body of the Code, the words "Supervisory and Development Council", in any grammatical form, shall be replaced by the words "Supervisory Council" in the corresponding grammatical form, and the words "Law No. 1227/1997 on Advertising", in any grammatical form - by the words "Law on Advertising" in the corresponding grammatical form.

2. The harmonization clause shall read as follows:

"This Code partially transposes Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (codified version), CELEX: 32010L0013, published in the Official Journal of the European Union L 95 of 15 April 2010, as last amended by Directive 2018/1808/EU of the European Parliament and of the Council of 14 November 2018."

3. In Article 1:

the notion "self-promotion" shall read as follows:

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

the terms "autonomous public authority" and "audiovisual communication" are excluded;

the terms 'audiovisual commercial communication' and 'audiovisual communication with disguised commercial content' shall read as follows:

"*audiovisual commercial communication* - a message represented by sound and/or images designed to promote, directly or indirectly, the name, goods, works, services, activities, trade mark and/or any other distinguishing marks of a natural and/or legal person pursuing an economic activity. Such messages either accompany or are included in an audiovisual program or user-generated content in return for payment or other consideration or for self-promotional purposes. Audiovisual commercial communications may take the form of advertising, sponsorship, teleshopping, product placement and other forms;

audiovisual communication with disguised commercial content - the representation in audiovisual programs, by sound and/or images, of the name or the name, goods, works, services, activities, trade mark and/or any other distinguishing marks of a natural and/or legal person pursuing an economic activity, if such representation is intended for advertising purposes and is likely to mislead the public as to its nature. Such representation shall be presumed to be an audiovisual communication having a disguised commercial content if it is done in return for payment or for consideration;"

after the notion 'market share' a new notion shall be inserted as follows containing

"*editorial decision* - a decision taken regularly for the purpose of exercising editorial responsibility and in connection with the day-to-day operation of the audiovisual media service;"

the terms 'disinformation' and 'hate speech' shall have the following meaning shall contain

"*misinformation* - information of a verifiably false or misleading nature that is created, presented and disseminated for economic gain or to deliberately mislead the public and which may cause public harm. Public harm includes threats to political processes, democratic principles and values, and policy-making processes, as well as threats to public property, the protection of citizens' health, the environment or security;

Hate speech - all types of expression that incite, promote, spread or justify hatred, violence or discrimination against a person or group of persons, or that demean or harm their honor and dignity because of their personal characteristics or status, actual or attributed, such as race, color, ethnic, national or social origin, nationality, citizenship, sex, gender, language, religion or belief, political opinion, disability, sexual orientation, gender identity, health status, age, marital status, migrant or asylum status;"

a new concept shall be inserted after 'hate speech' as follows containing:

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

the terms "scheduled duration", "video-sharing platform service provider" and "user-generated video material" shall read as follows:

"*scheduled duration* - the period of time comprising the actual duration of the audiovisual program or slice of the program and the duration of the advertising, as well as the duration of self-promotional messages broadcast, where applicable, within them;"

"*video-sharing platform provider* - a natural person or legal entity providing a video-sharing platform service;"

"*user-generated video* - a series of moving images, with or without sound, which constitute a discrete item, irrespective of its length, which is created by a user and uploaded to a video-sharing platform by that user or by another user;"

after the notion 'user-generated video material', a new notion shall be inserted with the following content:

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

after the notion "regional coverage multiplex" a new notion is inserted to read as follows:

"*trusted notifier* - the status granted, upon request, by the Audiovisual Council to any natural or legal person who is established in the Republic of Moldova, who demonstrates specialized knowledge and specific skills for the detection, identification and notification of illegal content, who is independent from any video-sharing platform provider and who conducts its business in such a way as to provide notifications to video-sharing platforms with diligence, accuracy and objectivity;"

the terms 'product placement' and 'audiovisual program' are replaced by the following contents:

'product placement - an audiovisual commercial communication of any kind consisting of the inclusion of or reference to a good, work, service, activity or the trade mark of a natural and/or legal person pursuing an economic activity, by inserting/inserting such reference in an audiovisual program or user-generated video material in return for payment or for consideration

"audiovisual program - a series of moving images with or without sound, or a series of sounds, constituting a discrete element, irrespective of its length, within a grid, in the case of a linear audiovisual media service, or within a catalogue, in the case of a non-linear audiovisual media service;"

after the notion "first broadcast audiovisual program" a new notion shall be inserted as follows

"consumer program - an audiovisual program which provides advice to the public or contains evaluations concerning the purchase of products and/or services;"

the terms 'electronic communications network', 'audiovisual media service' and "video-sharing platform service" will have the following content:

"electronic communications network - as defined in Article 2 point 62 of the Law Electronic Communications No 72/2025;"

"audiovisual media service - a service, under the editorial responsibility of a media service provider, the principal purpose of which, or a severable part thereof, is the provision to the general public of linear or non-linear audiovisual, television or radio broadcasting programs, linear or non-linear, via electronic communications, for purposes of information, entertainment, education or dissemination audiovisual commercial communication

'video-sharing platform service' means a service the principal purpose of which, or a severable part of the principal purpose or essential functionality of which is the provision of audiovisual programmes and/or user-generated video material to the general public over electronic communications networks for information, entertainment or educational purposes, for which the video-sharing platform provider does not exercise editorial responsibility and the organization of which is determined by the video-sharing platform provider, including by automated means or algorithms, in particular display, tagging and sequencing;"

the terms 'teletext service' and 'videotext service' are excluded;

in the notion 'conditional access system', after the words 'a protected audiovisual media service', the words 'or to a protected video-sharing platform service' shall be inserted;

the terms "sponsorship" and "user" shall read as follows:

"sponsorship - any contribution to the financing of audiovisual media services, video-sharing platform services, user-generated video or audiovisual programs by public or private entities or natural persons not engaged in activities relating to the provision of audiovisual media services or video-sharing platform services or the making of audiovisual works, in order to promote their name, business, trade mark, trade name, image, goods, works or services;"

"user - a natural or legal person who uses or requests, once or more than once, one or more audiovisual media services or video-sharing platform services, in particular by uploading to that platform video material generated by him or her or by another person;"

4. In Article 2:

paragraph (2) shall read as follows:

"(2) The object of this Code is to regulate:

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

b) establishment, management, financing and powers of the public regulatory authority in the field of audiovisual media services;

c) the establishment, management, financing and powers of public audiovisual media service providers."

in paragraph (3), point e) shall read as follows:

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

in paragraph 5:

points b) and c) shall read as follows:

"(b) has its principal place of business in the Republic of Moldova, but the editorial decisions concerning the audiovisual media service are taken in another State, provided that a significant part of the workforce involved in the provision of the audiovisual media service concerned is based in the Republic of Moldova;

(c) has its principal place of business in another State, but editorial decisions concerning the audiovisual media service are taken in the Republic of Moldova, provided that a significant part of the workforce involved in the provision of the audiovisual media service concerned is employed in the Republic of Moldova. At the same time, the proportion of the workforce involved in the provision of audiovisual media services working in a Member State of the European Union or in another State which has ratified the European Convention on Transfrontier Television, if the media service provider's head office is located in that State, shall be insignificant;"

paragraph is completed with the following point d) with the following content:

"d) if, by applying the criteria set out in lit. b) and c), it is not possible to establish whether a significant part of the workforce involved in the provision of the audiovisual media services concerned is based in the Republic of Moldova or in a Member State of the European Union, the respective provider shall be deemed to be established in the Republic of Moldova if it first started broadcasting in the Republic of Moldova and currently maintains a stable and effective link with the economy of the Republic of Moldova."

in paragraph 6:

the introductory part shall read as follows:

"A media service provider which does not meet any of the conditions set out in para. (5) and which is not within the jurisdiction of a Member State of the European Union or of another State

which has ratified the European Convention on Transfrontier Television shall be deemed to be within the jurisdiction of the Republic of Moldova if it is in one of the following situations:";

points (a), (b) and (e) shall be deleted;

the article is completed with paragraphs (7¹) to (7⁴) with the following content:

"(7¹) For the purposes of this Code, a video-sharing platform provider established on the territory of the Republic of Moldova shall be deemed to be within the jurisdiction of the Republic of Moldova.

(7²) A video-sharing platform provider which is neither established in the territory of the Republic of Moldova nor in the territory of a Member State of the European Union shall be deemed to be under the jurisdiction of the Republic of Moldova if the video-sharing platform provider

- a) has a parent undertaking which is established in the territory of the Republic of Moldova;
- b) has a subsidiary established in the territory of the Republic of Moldova;
- c) is part of a group to which another undertaking which is established in the territory of the Republic of Moldova.

(7³) For the purposes of this Article

- a) parent undertaking shall be considered to be the undertaking which controls one or more subsidiaries;
- b) subsidiary shall be considered to be the undertaking controlled by a parent undertaking, including any subsidiary of the ultimate parent undertaking;
- c) group means the parent undertaking together with all its subsidiary undertakings and all other undertakings linked to it by organizational, economic and legal links.

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

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

in paragraph (8), points (b) and (c) shall read as follows:

"(b) has its principal place of business in the Republic of Moldova, but the decisions on the creation of the retransmitted audiovisual media service offerings are taken in another State, provided that a significant part of the workforce involved in the creation and provision of the retransmitted audiovisual media service offerings is employed in the Republic of Moldova;

(c) has its principal place of business in another State, but the decisions on the creation of the retransmitted audiovisual media service offerings are taken in the Republic of Moldova, provided that a significant part of the workforce involved in making available to the public the retransmitted audiovisual media service offerings is employed in the Republic of Moldova. At the same time, the proportion of the workforce involved in making available to the public the retransmitted audiovisual media service offerings working in a Member State of the European Union or in another State which has ratified the European Convention on Transfrontier Television, if the media service distributor has its head office in that State, shall be insignificant

in paragraph 9:

the introductory part shall read as follows:

"A media service distributor which does not meet any of the conditions set out in paragraph. (8) and is not within the jurisdiction of a Member State of the European Union or of another State which has ratified the European Convention on transfrontier television shall be deemed to be under the jurisdiction of the Republic of Moldova if it is in one of the following situations:";

points (a) and (d) shall be repealed.

5. Article 4, paragraph (10) shall read as follows:

"(10) The average daily durations of the audiovisual programs referred to in par. (3) and (6) shall be calculated for a calendar week, taking into account the scheduled durations of local audiovisual programs broadcast."

6. In Article 6, paragraphs (6) and (8) shall read as follows:

"(6) In the case of linear audiovisual media services, media service providers shall be required to broadcast European audiovisual works created by independent producers from the Republic of Moldova in at least 10% of the weekly broadcasting time of each service, less the time allocated to news, sports events, games, advertising and teleshopping."

"(8) The provisions of this Article shall not apply to sound broadcasting services, private local and regional television services, audiovisual news media services, thematic audiovisual media services devoted exclusively to sport, and thematic audiovisual media services devoted exclusively to advertising and teleshopping."

7. In Article 7, paragraphs (1)-(3) shall read as follows:

"(1) The State guarantees freedom of opinion and expression in the provision of audiovisual media services and video-sharing platform services.

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

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

8. In Article 8, paragraph 3 is completed with the following text: "The State shall respect the effective editorial independence and independence of media service providers audiovisual media service providers in the exercise of their professional activities. The State shall not interfere in or influence the editorial policy and editorial decisions of audiovisual media service providers."

9. Articles 9 and 11 shall read as follows:

"Article 9. Protection of journalistic sources and confidential communications

(1) The State guarantees the effective protection of the right to protection of journalistic sources and confidential communications in accordance with Law No. 64/2010 on freedom of expression.

(2) The following are prohibited:

a) To detain, penalize, intercept or search audiovisual media service providers or their editorial staff or to subject them or their commercial or private premises to surveillance or search and seizure in order to obtain information related to journalistic sources or confidential communications or information that could identify them;

b) the detention, punishment, interception or search of any person who, by reason of his or her usual or professional relationship with a media service provider or its editorial staff, might possess the information referred to in point (a) or the subjection of them or their business or private premises to surveillance or search and seizure for the purpose of obtaining such information;

c) installing intrusive surveillance software."

"Article 11. Unlawful audiovisual content

(1) Illegal audiovisual content is content which:

a) endangers national security, calls for the violent overthrow or change of the constitutional order, calls for military aggression or armed conflict, as well as content the dissemination of which constitutes illegal activity, including public incitement to commit terrorist offenses, offenses related to child pornography and offenses of a fascist, racist and xenophobic nature;

b) hate speech.

(2) The provision of audiovisual media services and video-sharing platform services shall prohibit illegal audiovisual content.

(3) For the purposes of this Code, harmful audiovisual content is which may impair the physical, mental or moral development of minors.

Harmful audiovisual content shall be made available only in such a way as to ensure that minors will not normally listen to or watch it. Such protection measures shall include pre-selection of broadcasting time, age verification tools or other technical measures."

10. In Article 13:

the name of the article shall read as follows:

"Article 13. Provision of information to the public";

in paragraph 1:

point (b) shall read as follows:

"(b) to ensure, when reporting a fact or event, that the information is verified and presented impartially and in good faith;"

the paragraph is completed by points c) and d) with the following content:

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

d) avoid any form of discrimination."

the article is completed with paragraph (11) with the following content:

"(11) The content of audiovisual media services and that provided by video-sharing platform services must comply with audiovisual and related legislation and with the requirements set out in the Regulation on audiovisual content, drawn up and approved by the Audiovisual Council." paragraphs 2 to 14 shall be repealed;

paragraph (15) shall read as follows:

"(15) The Audiovisual Council shall establish detailed provisions in the Regulation on audiovisual content to ensure high quality information to the public based on high journalistic standards, including during election periods."

the article is completed with paragraph (16) with the following content:

"(16) Within the framework of ensuring public information, the Audiovisual Council shall encourage the development and implementation of mechanisms for coregulation and professional self-regulation."

11. Article 15:

Paragraphs 71 and 72 shall be completed with the following:

"(71) Audiovisual media service providers shall comply with the requirements on reducing the exposure of minors to advertising for foods and beverages high in fat, salt or sugar (HFSS products) set out in the Audiovisual Content Regulation.

(72) The sponsorship of audiovisual programs intended to be listened to/viewed by children under the age of 12 years by the owners of HFSS product trademarks is prohibited."

paragraph (8) shall read as follows:

"(8) Content which is likely to impair the physical, mental or moral development of minors shall be made available within audiovisual media services and video-sharing platform services, with the mandatory provision of access restriction measures, including age verification tools, time selection or other technical measures, so that minors cannot normally listen to or watch such content."

12. In Article 16:

paragraphs 2 and 4 shall read as follows:

"(2) Media service providers shall implement accessibility requirements through a progressive and continuous process, according to their technological and economic possibilities and practical considerations, such as real-time broadcasting of events."

"(4) In order to measure the progress made by media service providers in making their services more accessible to people with visual or hearing impairments, the Audiovisual Council shall periodically, but not less than once a year, request media service providers to report on their progress."

the article is completed with paragraph (5) with the following content:

"(5) The Audiovisual Council shall designate a contact person for the provision of information and the receipt of complaints and petitions relating to the accessibility of audiovisual media services to persons with special needs."

13. In Article 17:

paragraph 3 shall read as follows:

"(3) In the national audiovisual space it is prohibited to broadcast audiovisual programs which:
a) contain illegal audiovisual content within the meaning of Article 11;
b) constitute disinformation."

paragraph 4 shall be repealed.

14. The Code is completed with article 171 with the following content:

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

(1) The State shall guarantee the freedom of reception of audiovisual media services and audiovisual programs, in the case of broadcasting and retransmission of only an individual audiovisual program, lawfully provided by providers under the jurisdiction of the Republic of Moldova, a Member State of the European Union, a State that has ratified the European Convention on Transfrontier Television, as well as under the jurisdiction of the State with which the Republic of Moldova has concluded an international agreement on free retransmission in the audiovisual field.

(2) By way of derogation from the provisions of para. (1), the reception of audiovisual media services or audiovisual programs, in the case of broadcasting and retransmission of an individual audiovisual program only, provided by providers under the jurisdiction of a Member State of the European Union may be temporarily suspended if the audiovisual media services or audiovisual programs, in the case of broadcasting and retransmission of an individual audiovisual program only:

a) contain hate speech;
b) endangers national security, calls for the violent overthrow or violent change of the constitutional order, calls for military aggression or armed conflict, or contains content the dissemination of which constitutes an unlawful activity, including incitement of the public to commit terrorist offences, offences related to child pornography and offences of a fascist, racist and xenophobic nature.

(3) The application of the restriction in the cases referred to in paragraph. (2)(a) may be ordered by decision of the Audiovisual Council if all of the following conditions are met:

a) during the previous 12 months, the audiovisual media service provider referred to in para. (2) has provided at least twice one or more of the content referred to in paragraph (2) (a) and (b);
b) The Audiovisual Council has notified the media service provider, as well as the Member State within whose jurisdiction that media service provider falls, and the European Commission of the alleged infringements and the proportionate measures it intends to take should any such infringement be repeated;
c) The Audiovisual Council has respected the rights of defense of the audiovisual media service provider and, in particular, has given the audiovisual media service provider the opportunity to express its views on the alleged infringements;
d) the Audiovisual Council's consultations with the Member State within whose jurisdiction the audiovisual media service provider falls and with the European Commission have not resulted in

an amicable settlement within 30 days of receipt by the European Commission of the notification referred to in point (b).

(4) Application of the restriction in the cases referred to in paragraph. (2) (b) may be ordered by decision of the Audiovisual Council if all of the following conditions are met:

a) during the previous 12 months, the audiovisual media service provider referred to in para. (2) has repeatedly provided one or more of the content referred to in paragraph (2) (b);

b) The Audiovisual Council has notified the audiovisual media service provider, as well as the Member State within whose jurisdiction the audiovisual media service provider is established and the European Commission of the alleged infringements and the proportionate measures it intends to take in the event of any repetition of such infringements;

c) The Audiovisual Council has respected the rights of defense of the audiovisual media service provider and, in particular, has given the audiovisual media service provider concerned the opportunity to express its views on the alleged infringements.

(5) In emergency situations, related to ensuring the national security of the Republic of Moldova, no later than 7 working days after receiving information indicating the existence of relevant circumstances, the Audiovisual Council shall order the restriction provided for in paragraph. (2) letter b), even if the conditions set out in paragraph. (4) a) and b). The Audiovisual Council shall without delay notify the Member State of the European Union within whose jurisdiction the audiovisual media service provider falls and the European Commission of the measures taken, indicating the reasons for which it considers that there is an emergency situation. If the European Commission concludes that the measures are incompatible with European law, the Audiovisual Council shall order the envisaged measures to be discontinued or shall order the termination of without undue delay. The provisions of this paragraph shall apply only to measures taken against a provider from a Member State of the European Union.

(6) Audiovisual programs which have been produced in States other than those referred to in paragraph. (1) may be broadcast and retransmitted without prejudice to the provisions of this Code and other normative acts.

(7) By way of derogation from the provisions of para. (6), the reception of audiovisual media services or audiovisual programs, in the case of broadcasting and retransmission of only an individual audiovisual program, provided by providers under the jurisdiction of States other than those specified in paragraph. (1) may be suspended in the cases referred to in paragraph. (2) lit. a) and b). In its decision, the Audiovisual Council shall indicate the measures and the date of their application concerning the suspension of the reception of audiovisual media services, television programs and/or individual programs and/or catalogues in the territory of the Republic of Moldova. The measures applied and the time limits for their application shall be proportionate to the infringements committed, and the type of measure shall be selected taking into account the entity as well as the manner of dissemination of public information.

(8) The Audiovisual Council shall seek the opinion of the European Media Services Committee on the measures it intends to apply in implementing the provisions of paragraphs. (2)-(4).

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

(10) The Audiovisual Council shall deal with infringements covered by the Council of Europe Convention on Transfrontier Television in accordance with the procedure laid down therein. If the alleged infringement is not covered by the convention in question, free reception shall be suspended in accordance with paragraphs. (2) and (7).

(11) Media service distributors shall cease retransmission of audiovisual media services or audiovisual programs, in the case of broadcasting and retransmission of only an individual audiovisual program, within the period specified in the decision of the Audiovisual Council, which may not exceed 24 hours."

15. In Article 19:

paragraph 5 shall read as follows:

"(5) Thematic audiovisual media services with a musical profile must contain:

- a) at least 30% of musical works in Romanian;
- b) at least 10% of musical works by composers, performers and producers originating from the Republic of Moldova."

the article is completed with paragraph (5¹) with the following content:

"(5¹) In justified cases, the Audiovisual Council shall be entitled to grant exemptions from the application of the provisions of para. (5) thematic audiovisual media services with a predominantly classical, jazz, ambient, instrumental electronic or other similar music thematic focus."

16. In Article 21:

the sole paragraph shall become paragraph 1;

paragraphs 2 to 4 shall be added to the article to read as follows:

"(2) Media service providers shall be obliged to submit the annual activity report in electronic form via the electronic service available on the official website of the Audiovisual Council, in accordance with the approved model, by March 31.

(3) The model report approved by the Audiovisual Council contains data on: the name of the legal entity and the legal form of organization; the name, nationality of the beneficial owner(s); the description of the ownership structure and share capital of the media service provider; the budget of the audiovisual media service, its sources of financing; and the realization of the audiovisual media service concept for the previous year of activity.

(4) The approved annual activity reports shall be published on the websites of the media service providers within 3 days from the date of approval."

17. In Article 22:

paragraphs 1 and 2 shall read as follows:

"(1) Information and official announcements of public authorities on the state of emergency, curfew and war shall be broadcast in linear audiovisual media services in an operational and prioritized manner, including by means of mimetic-gestual language or synchronized titling.

(2) The information referred to in paragraph. (1) shall be permanently received online at the contact center which each audiovisual media service provider shall set up and prominently display in a visible place during a state of emergency, curfew or war."

the article is completed with paragraph (2¹) with the following content:

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

paragraph 3 shall be repealed.

18. Article 23 is repealed.

19. In Article 24, paragraph (2) shall read as follows:

"(2) The media service provider shall keep a copy of the broadcast of the linear audiovisual media service for at least 30 days from the date of its broadcast."

20. In Article 25:

paragraphs 1 and 5 shall read as follows:

"(1) The broadcasting license shall be granted, suspended and withdrawn by the Broadcasting Council on the basis of the provisions of this Code."

"(5) Media service providers are obliged to request by application, in electronic form signed with an electronic signature or in written form signed holographically, the consent of the Audiovisual Council for any changes in the documents and declared data referred to in para. (4) (d)-(e). In case of a favorable decision on the application, the changes in the content of the broadcasting license shall be made free of charge."

the article is completed with paragraphs (5¹), (7¹) and (9) with the following content:

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

"(7¹) The holder of the broadcasting license shall be obliged to start providing the audiovisual media service no later than 6 months from the date of issuance of the broadcasting license."

"(9) In the event of exceeding the deadlines referred to in para. (8), the Audiovisual Council shall withdraw the broadcasting license."

21. Article 25¹ is completed with paragraph (10) with the following content:

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

22. In Article 26(2), point (b) is deleted.

23. In Article 27:

Points (c) and (f) shall read as follows:

"(c) the media service provider has not paid the fee for the broadcasting license, determined in accordance with Law No. 160/2011 on the regulation by authorization of entrepreneurial activity, after having been warned twice, by notification, in electronic form signed with an electronic signature or in written form signed in holograph, by the Audiovisual Council;"

"(f) the media service provider whose broadcasting license has been suspended in accordance with Article 84 para. (11), does not remedy the breach for which he has been sanctioned with the suspension of the broadcasting license and/or is sanctioned more than twice within 12 months after the expiry of the suspension sanction;"

points (g) and (h) are repealed.

24. Article 28, paragraphs 11 and 13 shall read as follows:

"(11) The natural or legal person who, directly or indirectly, increases its shares or acquires shares in the share capital or voting rights of a legal person holding a broadcasting license or of a legal person controlling the holder of such a license shall, prior to the increase or acquisition of shares, obtain prior approval of the Audiovisual Council, except in the cases provided for in paragraph. (13) The Registrar shall carry out changes in the State Register of Legal Entities only after submitting the approval of the Broadcasting Council."

"(13) In case the natural person increases its shares or acquires shares in the share capital or voting rights of a legal person holding a broadcasting license or of a legal person controlling the holder of such a license, as a result of the closure of a succession procedure, the media service provider is obliged to inform the Audiovisual Council within 30 days about the changes."

25. In Article 30:

paragraph (2) shall read as follows:

"(2) The competition indicated in para. (1) shall be carried out once every 5 years by an audiovisual organization representing national media service providers, advertising agencies and other beneficiaries of audience share measurement services that purchase audience share measurement services, and in the absence of such an organization - by the interested parties in the audiovisual sector."

the article is completed with paragraphs (2¹)-(2³) with the following content:

"(2¹) The contest referred to in para. (1) shall be organized on the basis of rules drawn up and approved by the organizers of the contest, which shall ensure an open and transparent procurement process in accordance with international standards and practices in the field.

(2²) The Audiovisual Council shall initiate the call for tenders referred to in paragraph. (1), if it has not been initiated by the audiovisual organization or interested parties within the deadline set out in paragraph. (2), no later than one year after the expiry of that deadline.

(2³) By way of derogation from the provisions of para. (1), it shall be permissible for audience share measurement to be carried out by specialized broadcasters which have not been selected by an open competition, if that competition has not taken place or its results have not entered into force, and during that period the specialized broadcasters shall carry out audience share measurement on the basis of a contract with the broadcasting organization or on the basis of a collective agreement with the broadcasting stakeholders."

paragraph 3 shall be repealed;

the article is completed with paragraph (3¹) with the following content:

"(3¹) Specialized institutions shall ensure that the audience measurement systems used, as well as the methodology applied by their audience measurement systems, comply with the principles

of transparency, impartiality, inclusiveness, proportionality, non-discrimination, comparability and verifiability."

26. In Article 31:

the sole paragraph becomes paragraph 1;

the article is completed with paragraph (2) with the following content:

"(2) The State shall ensure that public service media service providers have sufficient, sustainable and predictable financial resources adequate to fulfill their public service mission. The State shall ensure that those financial resources are sufficient to safeguard the editorial independence of public media service providers."

27. In Article 34:

the name of the article shall read as follows:

"Article 34. Editorial independence and institutional autonomy of public media service providers";

in paragraph (1), after the words "Editorial independence" the words "and institutional autonomy";

in paragraph 3:

the introductory part and point (b) shall read as follows:

"Editorial independence, institutional autonomy and creative freedom shall include the exclusive right of the management body of the public media service provider to take, within the limits established by this Code, decisions on:";

"b) the organization of institutional, editorial and creative activity;"

in paragraphs 4 and 5, the words 'management' shall be replaced by the words 'administration'.

28. In Article 35:

the sole paragraph shall become paragraph 1;

paragraph 1:

in point (k), the word "national" shall be deleted;

point (n) shall read as follows:

"n) the annual presentation of the activity report to the founders;" the article is completed with paragraph (2) with the following content:

"(2) In order to better and more comprehensively inform the target audience in specific geographical areas, the national public media service provider may set up territorial, district and/or regional branches, studios, with a view to producing audiovisual content of local/regional interest and broadcasting it as part of audiovisual media services separate from the main audiovisual media services."

29. Article 36:

paragraphs 3 and 31 shall read as follows:

"(3) The Director General of the national public media service provider (hereinafter - the *Director General*) shall be appointed, following a public competition, by the Supervisory Board of the national public media service provider (hereinafter - the *Supervisory Board*).

(31) A person may apply for the position of Director General who fulfills the following conditions the following cumulative conditions:

- a) holds a higher education degree in law, public administration, management or other relevant field;
- b) is a citizen of the Republic of Moldova
- c) has at least 5 years managerial experience;
- d) knowledge of Romanian, English or French;
- e) has no previous criminal record;
- f) is of good character;
- g) does not hold and has not held, within the last two years, the office of party member and/or political affiliation.

the article is completed with paragraph (32) with the following content:

"(32) The Supervisory Board approves the Regulation on the organization and conduct of the competition for the selection of the candidate for the position of Director-General. Those rules shall contain, but not be limited to, the following assessment criteria:

- a) possession of sound knowledge in the audiovisual field;
- b) analytical and critical thinking skills;
- c) commitment to the principles of good governance;
- d) thorough knowledge of national and European legislation in the field of audiovisual media services;
- e) ability to provide strategic leadership and effective management of media institutions;
- f) knowledge of Romanian, English or French."

30. Article 37:

paragraph 21 is added:

"(21) The Director General shall draw up and submit to the Supervisory Board for approval the managerial business plan, which shall also contain:

- a) the actions envisaged to achieve the mission, the object of activity and the tasks of the public media service provider;
- b) annual individual activity objectives and professional performance indicators.

paragraphs (10) and (12) shall read as follows:

"(10) The Director General shall be dismissed by the Supervisory Board in the following cases:

- a) on his own initiative, on the basis of a request;
- b) conviction by final judgment;
- c) loss of citizenship of the Republic of Moldova;
- d) institution of a judicial protection measure by final judgment;
- e) in other cases provided for by law."

"(12) The Director General shall hold office until the appointment of a new Director General, but not more than 6 months from the date of vacancy."

31. Article 39:

The following paragraph (11) is added:

"(11) Depending on the needs, the specifications may also contain the plan of development, equipment and upgrading projects."

paragraph (4) is completed by the following point c) with the following content:

"c) the budget for development projects, as appropriate."

32. Article 41 is completed with paragraphs (3¹)-(3⁵) with the following content:

"(3¹) In addition to the public service activity, the national public media service provider may, under the conditions of the law, carry out commercial activities to a limited extent, provided that the operations in the field of commercial activities are organized separately from the public service activity.

(3²) Subsidies from the State budget as well as revenues from the provision of public services may be used only for the provision of the public service activity provided for by this Code.

(3³) Revenues from commercial activities may be used to co-finance their own audiovisual media services or for their development in the public interest, in a transparent manner and only in the areas provided for by this Code.

(3⁴) The income and expenditure related to the public service activity and the income and expenditure related to the commercial activities of the national public media service provider shall be accounted for in two separate accounts.

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

- a) commercialization of advertising time and commercialization of audiovisual programs;
- b) the provision of technical and telecommunications services not forming part of the public service;
- c) rental of broadcasting infrastructure and other immovable property;
- d) performance of publishing and concerts;
- e) provision of software services, including interactive software services;
- f) commercial use of archival material."

33. Article 43:

in paragraph 1, the number '7' is replaced by '9' and after the words 'culture,' the words 'creative industries, policies for the integration of ethnic minorities, the promotion of democracy and human rights,' shall be inserted after the words 'culture,';

paragraph 2:

the following point (b¹) is added:

"(b¹) is familiar with the regulatory field of activity of public audiovisual media service providers, including national and European audiovisual legislation;"

letter d) will have the following content:

"(d) does not hold and has not held, within the last two years, membership of a party and/or political affiliation;"

in paragraph 3, points (a) and (b) shall be deleted;

paragraph 4 shall be repealed;

the article is completed with paragraphs (4¹)-(4⁴) with the following content:

"(4¹) Candidates for the office of member of the Supervisory Board shall be selected by the Audiovisual Council, following open competitions, in accordance with the following procedure:

- a) 60 days before the expiry of the terms of office of the members of the Supervisory Board, the chairman of the Supervisory Board shall notify the Audiovisual Council thereof;
- b) the Audiovisual Council shall, within 5 working days of the date of notification, issue public invitations to participate in the competitions for the selection of candidates for the positions of members of the Supervisory Board, publicizing the criteria for filling the positions and the closing date for the submission of applications;
- c) within 10 days of the closing date for the submission of applications, the Audiovisual Council shall hold the selection competitions;
- d) within 5 days of the date of the competition referred to in lit. c), the Audiovisual Council shall publish the list of selected candidates.

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

(4³) If, in the competition referred to in paragraph. (4¹), the number of candidates required to fill all the positions of members of the Supervisory Board has not been selected, the Audiovisual Council shall repeat the selection procedure provided for in paragraph. (4¹) 5 days after the vacancy has been established following the relevant competition.

(4⁴) The Audiovisual Council shall approve the Regulation on the organization and conduct of the competition for the selection of candidates for the position of member of the Supervisory Board. These rules contain, but are not limited to, the following assessment criteria:

- a) Possession of experience and sound knowledge in at least one of the areas referred to in Article 43 para. (1);
- b) analytical and critical thinking skills;
- c) commitment to the principles of good governance;
- d) a thorough knowledge of national and European legislation in the field of audiovisual media services."

paragraph (5) shall read as follows:

"(5) The members of the Supervisory Board shall be appointed for a term of 6 years by decision of the Audiovisual Council."

in paragraph 6, the words " , on a proposal from the same entity" shall be deleted.

34. In Article 45, points e), f) and m) shall read as follows:

- "e) approve the managerial activity plan, the individual activity objectives and the professional performance indicators of the Director General;
- f) draw up and apply the rules for the performance appraisal of the Director-General;"

"(m) submit the annual activity report to the Audiovisual Council by March 31 of the year following the year of management;"

35. In Article 46:

in paragraph (2), in the introductory part, the figure "5" is replaced by the figure "6"; in paragraph (5), point c) will read as follows:

"c) draw up the annual activity report;" paragraph 9 is repealed;

in paragraph 10, the figure '5' is replaced by the figure '6'.

36. In Article 48:

paragraph (1) shall read as follows:

"(1) The Board of Supervisors shall be responsible for submitting the annual activity report to the Audiovisual Council and Parliament. Copies of the annual activity report shall be submitted to the Ministry of Culture as the authority responsible for media policy."

in paragraph 2, the second sentence is deleted;

paragraphs 3 and 4 are repealed.

37. In Article 54:

paragraph (2) is completed by the following point d) with the following content:

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

paragraph (7) will read as follows:

"(7) The retransmission authorization shall be withdrawn if the distributor whose retransmission authorization has been suspended in accordance with Article 84 para.

(11) does not remedy the infringement for which it has been sanctioned with suspension and/or is sanctioned more than twice within 12 months of the expiry of the sanction of suspension."

38. Article 55, paragraphs 3 and 10 shall read as follows:

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

a) Romanian-language television services and television services with subtitling/dubbing in Romanian shall constitute at least 50% of the total number of services distributed over the respective network;

b) television services with soundtracks in a language other than Romanian may not exceed, for each language, 30% of the total number of services included in the offer."

"(10) The media service distributor shall be obliged to place the "must carry" audiovisual media services at the top of the automatic shortlist of television services retransmitted via the network of the respective distributor, offering priority to the generalist television service of the national public media service provider."

39. Article 56 shall read as follows:

"Article 56. Annual activity report of the media service distributor Media service distributors are obliged to submit the annual activity report in electronic form through the electronic service available on the official website of the Audiovisual Council, in accordance with the approved report template, by March 31, containing:

- a) The localities or, where applicable, the territory in which the retransmitted audiovisual media service offers are distributed;
- b) the identification data of the beneficial owners of the legal person, which is the holder of the retransmission authorization, and the values of their shareholdings;
- c) other information required in accordance with the model report approved by Audiovisual Council."

40. In Article 61, paragraph 1, points (d) and (e) are added to Article 61(1) with the following containing:

- " d) requirements regarding illegal and harmful audiovisual content, set out in this Code;
- e) requirements concerning the provision of information to the public."

41. The Code is completed with Chapter VIII¹ with the following contents:

"Chapter VIII¹
VIDEO-SHARING PLATFORM SERVICES

Article 61¹. Obligations of video-sharing platform providers

(1) The video-sharing platform providers within the jurisdiction of the video-sharing Republic of Moldova shall take appropriate measures to protect:

- a) minors from audiovisual programs, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development, in particular those containing pornography or scenes of unwarranted violence;
- b) the general public from audiovisual programming, user-generated video material and audiovisual commercial communications which contain any incitement to hatred, violence or discrimination against any person or group of persons based on any ground such as race, color, ethnic, national or social origin, nationality, citizenship, sex, gender, language, religion or belief, political or any other belief, disability, sexual orientation, gender identity, health, age, marital or material status;
- c) the general public from audiovisual programs, user-generated video materials and audiovisual commercial communications containing content the broadcast of which constitutes an offence, namely public incitement to commit terrorist offences, child pornography offences, fascist, racist and xenophobic offences.

(2) Video-sharing platform providers under the jurisdiction of the Republic of Moldova are obliged to ensure that audiovisual commercial communications that are promoted, marketed or organized by such providers comply with the requirements on the protection of minors as set out in Article 64 paragraph. (2).

(3) Video-sharing platform providers under the jurisdiction of the Republic of Moldova shall take appropriate measures to ensure that audiovisual programs and user-generated video materials containing audiovisual commercial communications comply with the requirements on the protection of minors as set out in Article 64(2). (2).

(4) Video-sharing platform providers are obliged to take measures to clearly inform users where audiovisual programs and user-generated video material contain audiovisual commercial communications, if such communications have been declared in accordance with paragraph. (7) lit. (c) or if the provider is aware thereof.

(5) In the area of video-sharing platforms, the use of co- and self-regulatory mechanisms, such as codes of conduct, is encouraged in order to effectively reduce the exposure of minors to audiovisual commercial communications of HFSS products.

(6) Video-sharing platform providers should take appropriate measures to protect minors from audiovisual programs and user-generated video materials that are likely to impair the physical, mental or moral development of minors, ensuring that they are not made available to the user except under circumstances where minors would not normally be able to listen to or view such programs and materials.

(7) The measures taken in accordance with paragraph. (6) shall consist of:

- a) the inclusion and application, in the general terms and conditions of use of the video-sharing platform services, of the requirements referred to in para. (1);
- b) the inclusion and application, in the terms and conditions of video-sharing platform services, of the requirements set out in Article 64(1)(b) of Regulation (EC) No. (2) on audiovisual commercial communications which are not promoted, marketed or organized by video-sharing platform providers;
- c) the inclusion of a function for users uploading user-generated video material to declare whether that material contains audiovisual commercial communications to the extent that they are aware of it or to the extent that they can reasonably be presumed to be aware of it;
- d) the establishment and use of transparent and user-friendly mechanisms enabling users of video-sharing platforms to report or signal audiovisual content referred to in paragraph 1 to the video-sharing platform provider concerned (1) that is provided on its platform;
- e) the establishment and use of systems whereby the video-sharing platform providers explain to the users of the video-sharing platform concerned the effects of the reporting and flagging referred to in point (d);
- f) the establishment and use of systems allowing verification of the age of users of video-sharing platforms as regards audiovisual content which may impair the physical, mental or moral development of minors;
- g) the establishment and use of user-friendly systems enabling users of video-sharing platforms to categorize the audiovisual content referred to in paragraph (1);
- h) the provision of parental control systems under the control of users in respect of audiovisual content which may impair the physical, mental or moral development of minors;
- i) the establishment and use of transparent, effective and user-friendly procedures for the handling and resolution of users' petitions and complaints to the video-sharing platform provider regarding the application of the measures referred to in points (d) to (h);
- j) putting in place effective media literacy measures and tools and increasing users' awareness of those measures and tools.

(8) Personal data of minors that is collected or generated in any way by video sharing platform providers pursuant to para. (7) (f) and (h) shall not be processed for commercial purposes, such as direct marketing, profiling and behavioral targeted advertising.

(9) Video-sharing platform providers are required to set up an internal mechanism for the amicable resolution of disputes with users. That mechanism may not deprive the user of other means of redress.

(10) Video-sharing platform providers are under an obligation to treat as a matter of priority complaints from trusted reporters acting within their area of competence, to investigate them without undue delay and to take appropriate action.

(11) Where the content of a video-sharing platform infringes the provisions of this Article, the Audiovisual Council shall, within 24 hours of its notification, require the video-sharing platform provider to remove or block access to the content in question or display a warning to users when

accessing the content in question, or to deactivate the user's account for a period of one to three months. The provider is obliged to take appropriate measures within the time limit specified by the Audiovisual Council and to notify the Audiovisual Council of the measures taken.

(12) In applying the provisions of para. (11), the Audiovisual Council shall draw up, publish and implement a notification procedure.

(13) The Audiovisual Council shall lay down detailed rules for assessing the appropriateness/appropriateness of the measures referred to in para. (7) taken by video-sharing platform providers.

Article 61². Requirements for filing the declaration on the provision of the video-sharing platform

(1) Video-sharing platform providers under the jurisdiction of the Republic of Moldova shall file a prior declaration with the Audiovisual Council, by postal mail or to the official electronic mail address, regarding the service/s they intend to provide. (2) The declaration referred to in paragraph. (1) shall contain the following data and information:

- a) name of the video-sharing platform provider;
- b) the address of the head office of the video-sharing platform provider and, if it is not established in the Republic of Moldova, the address of the head office of the parent company, subsidiary or other company of the same group, as provided for in Article 2 paragraph. (72);
- c) an affidavit on the ownership structure of the video-sharing platform provider, as well as a description of the organization of the group to which the undertakings covered by the provisions of Article 2 para. (2);
- d) certificate of registration (status) of the video-sharing platform provider or proof of the legal status of the person;
- e) description of the video-sharing platform service;
- f) description of the protection measures taken in accordance with the provisions of Article 611 para. (7) and undertaking to comply with them;
- g) the expected date on which the video-sharing platform service will become available;
- h) the arrangements for commercialization of the service;
- i) name and address of its contact point.

(3) The Audiovisual Council shall draw up the declaration form in accordance with requirements set out in paragraph. (2).

(4) Any modification of the data and information indicated in paragraph. (2) must be notified to the Audiovisual Council.

(5) The Audiovisual Council shall acknowledge receipt of the declaration provided for in this Article within 5 working days of receipt.

(6) The Audiovisual Council shall draw up, maintain and update the List of video-sharing platform providers under the jurisdiction of the Republic of Moldova and shall indicate the criteria on the basis of which it has determined the jurisdiction, as provided for in Article 2 para. (71)-(74)."

42. Article 75:

in paragraph 3:

point b) shall read as follows:

"b) the regulations on the content of linear and non-linear audiovisual media services;"

the paragraph is completed by points d¹) and f¹) with the following content:

"(d¹) regulations on the procedure for appointing members of the supervisory boards of public media service providers and for examining their annual activity reports;"

"f¹) a regulations concerning how vof identification a content audiovisual content which constitutes hate speech and how to assess its seriousness;"

letters h) and i) will have the following content:

"h) methodologies for monitoring the content of linear and non-linear audiovisual media services;
(i) the methodologies for monitoring audiovisual pluralism and compliance with the rules on remedying cases of dominance in the formation of public opinion;"

in paragraph 4:

point a1) shall read as follows:

"a1) supervises the national audiovisual space and, in the case of finding certain disinformation and illegal audiovisual content referred to in Article 11, in linear and non-linear audiovisual media services or retransmitted audiovisual media services, orders repeated monitoring of them w i t h i n 7 days;"

paragraph is completed with letters d¹) and d²) with the following content:

"(d¹) shall develop, adopt and implement the procedure for the certification of Trusted Notifiers and publish the list of Trusted Notifiers on its official website;

d²) assess the appropriateness/appropriateness of the measures taken by video-sharing platform providers when applying the provisions of Art. 611 para. (7);"

letters f) and i) shall read as follows:

"f) shall cooperate with other competent public authorities and institutions of the Republic of Moldova in order to enforce the audiovisual legislation;"

"(i) initiate and organize information literacy and media education activities, audiovisual research, as well as market studies, surveys, audience research and other studies in order to implement the provisions of the relevant legislation and, for this purpose, shall be entitled to contract specialized institutions under the Law No 131/2015 on Public Procurement;"

in paragraph 5:

letter a) shall read as follows:

"(a) the ownership and financing of media service providers under the jurisdiction of the Republic of Moldova, by publishing on its official website the annual activity reports of media service providers, as well as its own reports and any updated information on the legal regime of ownership of media service providers;"

point (b) is repealed.

43. Article 76:

in paragraph 2, points (e) and (f) shall read as follows:

"(e) does not hold and has not held, within the last two years, membership of a party and/or political affiliation;

f) does not hold, either personally or through affiliated persons, directly or indirectly, any interest, including financial, in media service providers, media service distributors, video-sharing platform providers, electronic communications undertakings or advertising undertakings;"

paragraph (3) shall read as follows:

"(3) The Audiovisual Council shall consist of 7 members, of which:

a) two members are proposed by Parliament, representing the majority parliamentary and parliamentary opposition;

b) one member is proposed by the President of the Republic of Moldova;

c) one member is proposed by the Government;

d) 3 members shall be proposed by civil society organizations and shall be selected through a public competition."

in paragraph (4), letter b) will read as follows:

"b) announce a public competition for the selection of candidates proposed by civil society organizations, publishing on the official website of the Parliament and on the official website of the Audiovisual Council the rules on the organization and conduct of the competition and the deadline for submission of applications."

the article is completed with paragraphs 4¹ and 4² with the following content:

"(4¹) Within 15 working days of the deadline for the submission of files in accordance with para. (4)(b), the parliamentary committee responsible shall conduct the competition in accordance with the rules in question 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 conditions of this Article.

(4²) The Parliamentary Profile Commission shall approve the Rules on the organization and conduct of the competition for the selection of candidates for the position of member of the Audiovisual Council. These rules contain, but are not limited to, the following evaluation criteria:

a) the possession of analytical and critical thinking skills;

b) commitment to the principles of good governance;

c) thorough knowledge of national and European legislation in the field of audiovisual media services;

d) knowledge of Romanian, English or French;

e) be of good repute and of recognized ethical integrity;

f) institutional communication and interpersonal skills, including the ability to interact effectively with those working in the audiovisual sector."

paragraph (7) shall read as follows:

"(7) The members of the Audiovisual Council shall be appointed for a term of 6 years by a decision of Parliament."

44. Article 77:

in paragraph 4, points (j) and (k) shall be deleted;

paragraphs 41 and 42 shall be repealed.

45. In Article 78:

paragraph 5 shall read as follows:

"(5) For the purposes of applying the provisions of paragraphs. (3) and (4), the members of the Audiovisual Council shall lodge a declaration of conformity on their own responsibility which shall be made public."

the article is completed with paragraph (7) with the following content:

"(7) If the situation of incompatibility is not removed within the term provided for in para. (6), the office shall automatically become vacant."

46. In article 80:

paragraph (4) shall read as follows:

"(4) The meetings Council audiovisual shall be public. The deliberations of the Audiovisual Council may be held in closed or public session."

the article is completed with paragraphs (4¹) and (4²) with the following content:

"(4¹) The members of the Audiovisual Council shall present and examine the reports on the items on the agenda of the meetings, as well as the draft decisions on the reports to be put to the vote.

(4²) The vote cast by each member of the Audiovisual Council shall always be accompanied by the reasoning given in the deliberations up to the voting procedure.

Members of the Audiovisual Council may vote *for* or *against*, openly or secretly, without abstention from voting. Where a separate opinion is delivered, it shall be annexed to the administrative act adopted.

47. In Article 82, paragraph (2) shall read as follows:

"(2) For the electoral period, in the framework of general local elections, parliamentary elections, presidential elections and republican referendums, the members of the Audiovisual Council shall receive a one-off allowance of up to 30% of their basic salary, depending on the degree of their involvement in the work process during that period."

48. Article 83, paragraphs 41 and 15 shall read as follows:

"(41) During the electoral period, the examination of complaints and petitions or the ex officio control of actions prohibited by law shall be carried out by the Audiovisual Council within a maximum of 5 working days from the date of submission of the complaint or petition or from the date of the initiation of the ex officio control."

"(15) The results of the examination of complaints and petitions shall be reflected in the annual activity report of the Audiovisual Council."

49. Article 84 shall read as follows:

"Article 84. Sanctions

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

(2) For violations of the provisions of this Code, the Audiovisual Council shall apply sanctions, determined on an individual basis, ranging from a public warning to the withdrawal of the broadcasting license/rebroadcasting authorization, depending on the seriousness of the violation, its effects, and the frequency of the violations committed in the last 12 months. In determining the seriousness of the infringement and its effects, the Audiovisual Council shall take into account at least the following criteria: the classification, type and, where appropriate, the audience of the audiovisual media service.

(3) Media service providers who have committed the following infringements shall be sanctioned with a fine of between 1 000 and 100 000 lei:

- a) failure to comply with Art. 4 paras. (3)-(4) and (6)-(9), Article 5 para. (2), Art. 6 para. (4)-(6), Articles 13-15, Article 16 para. (3), Art. 19 para. (2)-(6) Art. 20 para. (5), (10) and (11), Article 22, Article 24 para. (2) and (3), Article 63 para. (6) of this Code;
- b) non-compliance with the provisions of Art. 89 para. (2)-(5) and Art. 90 para. (1)-(14) of the Electoral Code 325/2022;
- c) Refusal to submit to scrutiny, refusal to allow access to the premises where they carry out their activities, refusal to provide the authorized representatives with the requested documents and/or recordings of the audiovisual programs broadcast/supplied;
- d) failure to submit the annual activity reports by March 31 of the year following the year of management, or their rejection by the Audiovisual Council;
- e) illegal use of the signals and/or logo of another media service provider;
- f) failure to comply with the provisions concerning the communication of reasons and subject matter of the sanction, as provided for in para. (12)-(13);
- g) transmission of audiovisual media services in breach of the provisions broadcasting license;
- h) failure to comply with the general concept of the audiovisual media service, failure to comply with the general design of the audiovisual media service concept approved by the Audiovisual Council;
- i) failure to comply with the provisions on the conditions of provision of communications audiovisual commercial audiovisual commercial provided for in Art. 63(2)-(4), Art. 64, 65, Art. 66 paras. (1)-(5), Art. 67 paras. (1), (3) and (4), Art. 68 para. (1)-(3) and Art. 69-71;
- j) Failure to publish on the websites the activity reports for the previous year within 3 days from the date of approval of the respective reports by the Audiovisual Council;
- k) using subliminal messages in advertising spots or teleshopping;
- l) failure to comply with the obligation to ensure the transparency of the editorial policy and ownership of media service providers, provided for in Article 21, as well as with the legal regime of ownership, provided for in Article 28, paras. (2)-(13) and Art. 29 para. (7);
- m) transmission of audiovisual media services without a broadcasting license or without retransmission authorization;
- n) transmission of audiovisual media services outside the coverage area specified in the broadcasting license;
- o) failure to comply with the decisions of the Audiovisual Council.

(4) A fine of between 1 000 and 100 000 lei shall be imposed on media service distributors who have committed the following infringements:

- a) retransmission of audiovisual media services in violation of Art. 53-56;

- b) refusal to submit to scrutiny, refusal to allow access to the premises where they carry out their activities, refusal to create conditions for viewing the audiovisual media services broadcast or to provide the authorized representatives with the requested documents;
- c) failure to comply with the offer of retransmitted audiovisual media services approved by the Audiovisual Council;
- d) failure to submit the annual activity reports by March 31 of the year following the year of management, or their rejection by the Audiovisual Council;
- e) failure to comply with the provisions concerning the communication of the reasons and subject matter of the sanction, as provided for in paras. (12) and (14);
- f) retransmission of audiovisual media services in breach of the provisions of retransmission authorization;
- g) retransmission services media audiovisual without authorization for retransmission;
- h) retransmission of audiovisual media services outside the coverage area specified in the retransmission authorization;
- i) failure to comply with the decisions of the Audiovisual Council.

(5) Where the Audiovisual Council decides that the effects of an infringement referred to in paragraphs. (3) and (4) are minor, it shall apply the sanction of a public warning and/or issue a public notice of legality within the specified time limit.

(6) Where several infringements as referred to in paragraphs 3 and 4 are detected in the course of a control, the Member (3) and (4), the Audiovisual Council shall determine the definitive sanction for a series of infringements by cumulative application, which may not exceed 100 000 lei.

(7) If the media service provider has committed three or more of the infringements specified in para. (3), which are likely to harm the public interest, the Audiovisual Council may apply, as an additional sanction, suspension of the right to broadcast audiovisual commercial communications for a period not exceeding 7 days.

(8) The suspension of the broadcasting license for a period not exceeding 7 days shall be sanctioned against the media service provider which has infringed the decision of the Audiovisual Council on the suspension of the right to broadcast audiovisual commercial communications referred to in paragraph. (7).

(9) Media service providers and media service distributors who have violated the provisions of Art. 11 para. (2) and/or Article 17. For repeated infringements of these provisions, the fine shall be from 100 000 to 200 000 lei. Non-linear media service providers must remove, within the term indicated by the Audiovisual Council, the illegal audiovisual content for the broadcasting of which they have been penalized.

(10) Media service providers or media service distributors shall be sanctioned with the suspension of the broadcasting license or retransmission authorization for a period not exceeding 7 days or, as the case may be, with the deprivation of the right to use the multiplex with national coverage if, after having been sanctioned repeatedly, in accordance with paragraph. (9) of this Article for infringement of the provisions of Art. (2) and/or Article 17 or the provisions of Article 171, within 12 months of the last sanction, have again infringed the provisions of Article 11 para. (2) and/or Article 17 or the provisions of Article 171 respectively.

(11) The media service provider or media service distributor who has committed at least 5 times the same violation, as referred to in paragraphs 1, 2 and 3, shall be sanctioned with the suspension of the broadcasting license or retransmission authorization for a period not exceeding two months. (3) and (4) of this Article, or at least 4 times the infringement of Article 11 para. (2) and/or Article 17 or the provisions of Article 171. The suspension of the broadcasting license or

retransmission authorization shall be applied after the sanctions provided for in paras. (7)-(10) of this Article.

(12) The media service provider or media service distributor on which one of the sanctions provided for in this Article has been imposed shall be obliged to communicate to the public the reasons for and the subject matter of the sanction in the manner specified by the Audiovisual Council in the decision on the imposition of the sanction.

(13) The text of the sanction shall be broadcast within 48 hours from the date of the decision on the imposition of the sanction, with sound and/or visual means, at least three times during prime time, including once during the main audiovisual news program in the case of generalist audiovisual media services and/or audiovisual news media services, in accordance with the relevant decision of the Audiovisual Council.

(14) The sanctioned media service distributor undertakes to place the text of the sanction on its website within 24 hours and to maintain it for 7 days, in accordance with the decision of the Audiovisual Council on the application of the sanction.

(15) The broadcasting license shall be withdrawn in accordance with Art. 27 and the retransmission authorization - in accordance with Art. 54 para. (7).

(16) The decisions of the Broadcasting Council may be challenged in court in accordance with the provisions of the Administrative Code, without observing the prior procedure.

(17) With a view to protecting the national audiovisual space, the court shall examine disputes arising out of a breach of the provisions of Art. 4, Art. 11 para. (2) and Art. 17, as well as the provisions of Art. 171, within 30 days from the date of acceptance of the action.

(18) The Audiovisual Council may prohibit the retransmission on the territory of the Republic of Moldova of audiovisual media services outside the jurisdiction of the Republic of Moldova if they contain advertising and teleshopping expressly and with relative regularity addressed to the public in the Republic of Moldova."

50. In Article 85, paragraphs 3 to 7 are repealed.

51. In Article 87, paragraphs 3 to 5 are repealed.

Art. II. - (1) This Law shall enter into force on the date of its publication in the Official Gazette of the Republic of Moldova, with the exception of the provisions of Article I, items 13 and 14, and of the provisions of Article I, item 41, in the part that refers to the completion of the Audiovisual Media Services Code with Article 612, which shall be implemented within 6 months from the date of its publication in the Official Gazette of the Republic of Moldova.

(2) Administrative proceedings initiated by the Audiovisual Council which have not been finalized by the date of entry into force of this Law shall be conducted in accordance with the provisions of the regulatory framework in force on the date of initiation of the respective administrative proceedings.

(3) The Audiovisual Council:

a) within 3 months from the date of entry into force of this law, approve the form of the declaration on the provision of the video sharing platform;

b) within 6 months from the date of the entry into force of this Law, bring its normative acts in line with this Law and ensure the drafting of the necessary acts for the implementation of this Law.

PRESIDENT OF THE PARLIAMENT

IGOR GROSU

Chisinau, July 10, 2025.

No. 221.

LEGE**amending Law No. 62/2022 on advertising**

The Parliament adopts this organic law.

This law partially transposes (Art. 2, points 18 and 19, and Art. 25) Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 laying down a framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Regulation) (text with relevance for the EEA), published in the Official Journal of the European Union L2024/1083 of April 17, 2024, CELEX: 32024R1083.

Art. I. – Law No. 62/2022 on advertising (Official Gazette of the Republic of Moldova, 2022, No. 98–105, Art. 171), as amended, is amended as follows:

1. The harmonization clause shall read as follows:

"This law:

– transposes Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (codified version) (text with EEA relevance), published in the Official Journal of the European Union L 376 of 27 December 2006, CELEX: 32006L0114;

– partially transposes (Art. 2(18) and (19) and Art. 25) Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Regulation) (text with relevance for the EEA), published in the Official Journal of the European Union L 2024/1083 of April 17, 2024, CELEX: 32024R1083."

2. Throughout the law, the words "digital platform," in any grammatical form, are replaced by the words "online platform" in the corresponding grammatical form.

3. In Article 3:

the term "public sector entity" shall be replaced by the following:

"public sector entity:

a) any public authority, including those of autonomous territorial units with special status;

b) any public institution, state or municipal enterprise, commercial company with wholly or partly public capital, or legal entity governed by private law, insofar as they carry out activities financed directly from the state budget and/or the local budget and pursue an objective of public interest;"

the term "public interest message" shall have the following meaning:

"public service message – a public announcement or information campaign aimed at promoting values, ideas, and/or objectives of public or community interest, broadcast with a view to raising awareness, changing attitudes and social behavior, and preventing and combating social ills;"

after the term "comparative advertising," a new term is introduced with the following content:

"state advertising – the placement, promotion, publication or dissemination, in any media service or online platform, of a promotional or self-promotional message or a public announcement or information campaign, normally in exchange for payment or remuneration by, for or on behalf of a public sector entity."

4. The law is supplemented by Chapter II1 with the following content:

"Chapter II¹ STATE
ADVERTISING

Article 111. Subject matter of state advertising

(1) State advertising has as its object a promotional or self-promotional message, a public announcement or an information campaign carried out by placing, promoting, publishing or broadcasting, in any media service or on an online platform, by, for or on behalf of a public sector entity.

(2) State advertising shall be carried out for a fee, on the basis of contracts concluded by public sector entities with media service providers or online platforms.

(3) Public announcements that are justified by an imperative reason of public interest, transmitted by public sector entities in the event of a state of emergency, are not considered state advertising and are placed, promoted, published, or broadcast free of charge.

(4) During the election period, the dissemination of state advertising promoting the managerial achievements and/or objectives of public sector entities, as well as state advertising and public service announcements that are not authorized by the Central Election Commission, is not permitted.

Article 112. Content of state advertising

(1) The content of state advertising must comply with the provisions of Article 7.

(2) State advertising must contain:

- a) the heading "State advertising";
- b) the identification details of the public sector entity in the advertisement.

Article 113. Making payments, concluding service contracts and reporting on the dissemination of state advertising

(1) Public funds or any other remuneration or advantage made available, directly or indirectly, by public sector entities to media service providers or online platform providers for state advertising or for supply or service contracts concluded with media service providers or online platform providers shall be granted in accordance with transparent, objective, proportionate, and non-discriminatory criteria and procedures, which shall be made available to the public in advance by electronic means and in a user-friendly manner. objective, proportionate, and non-discriminatory criteria and procedures that are made available to the public in advance by electronic means and in a user-friendly manner.

(2) The criteria referred to in paragraph (1) shall at least include:

- a) media service diversity;
- b) editorial independence of the media service provider;
- c) the thematic profile, language, and target audience of the media service;
- d) compliance with professional and ethical standards by the media service provider;
- e) the transparency of the media service provider's activities, including its sources of funding.

(3) This Article shall not affect the award of public procurement contracts and concession contracts or the application of rules on State aid.

(4) If the estimated value of contracts for state advertising planned during a calendar year exceeds the amount of 100,000 lei, the public sector entity is required to publish the participation announcement regarding the procurement of state advertising in the electronic public procurement system.

(5) Public sector entities and media service providers and/or online platform providers shall make available to the public on their official websites, on an annual basis, a report on state advertising and public service announcements broadcast against payment. The report of public sector entities shall contain at least the following information:

- a) the names of the media service providers or online platform providers from whom services were purchased;
- b) where applicable, the names of the groups of undertakings to which any of the media service providers or online platform providers referred to in point (a) belong;
- c) the total annual amount spent and the annual amounts spent per media service provider or online platform provider.

(6) Public sector entities that have purchased services for the dissemination of state advertising or public interest messages shall submit the annual report referred to in paragraph (5) to the Public Procurement Agency by February 1 of the year following the financial year. Article 114. Authority responsible for public procurement of state advertising

Article 114. Authority responsible for public procurement of state advertising

(1) The Public Procurement Agency shall be the authority responsible for monitoring compliance with public procurement procedures for state advertising.

(2) The Public Procurement Agency shall draw up an annual report on public procurement of state advertising carried out by public sector entities, which it shall publish on its official website by 1 March of the year following the financial year.

5. Article 12

is supplemented by point (a1) with the following content:

"a1) promoting European values and the strategic objective of European integration;"

letter p) shall read as follows:

"p) other values and/or objectives of public interest, as provided for in this law."

6. Article 13

in paragraph (2), letter c) shall be repealed;

in paragraph (3) letter c), the text "except for the information provided for in paragraph (4)" shall be deleted;

in paragraph (5), the words "commercial advertising" shall be replaced by the words "state advertising";

the article is supplemented by paragraph (5¹) with the following content:

"5¹. Public service announcements by public sector entities may be broadcast free of charge only with the consent of the broadcaster."

7. In Article 14:

paragraph (3) shall read as follows:

"(3) The public sector entity shall be required to conclude contracts for the broadcasting of public service announcements in accordance with the provisions of Article 113(1) to (4). The public sector entity shall be entitled to conclude contracts for the broadcasting of public service announcements only if the subject matter of such announcements corresponds to the tasks/powers of the entity."

Paragraph (5) shall be supplemented with the text "or broadcast the public service announcement free of charge."

8. Article 15 shall read as follows:

"Article 15. Planning and reporting on public interest messages of public interest by public sector entities

(1) The planning of the dissemination of public service announcements shall be ensured by public sector entities through the annual preparation and approval of a Public Service Announcement Dissemination Plan, which shall contain the following information:

- a) the significance and objectives determined in accordance with Article 12;
- b) the estimated cost of production, distribution, and dissemination;
- c) the source of funding;
- d) the implementation period;
- e) the communication tools used.

(2) The plan for the dissemination of public interest messages shall be published on the official website of the public sector entity.

(3) Public sector entities shall ensure the publication of the annual report on the dissemination of public service announcements, in accordance with the provisions of Article 113(5) and (6).

9. In Article 50, paragraph (1) is supplemented with letter d) as follows content:

"d) The Public Procurement Agency – within the limits of its powers as set out in Law No. 131/2015 on public procurement."

Art. II. – This law shall enter into force on January 1, 2026.

THE PRESIDENT OF THE PARLIAMENT

IGOR GROSU

Chişinău, July 10, 2025.

No.