

REPUBLIC OF MOLDOVA  
PARLIAMENT  
CODE LPC260/2006  
AUDIOVISUAL CODE  
OF THE REPUBLIC OF MOLDOVA

Promulgated under no. 260 as of 04.08.2006: entered into force as of 18.08.2006, the date of its publication in The Official Monitor no. 131 of 18.08.2006, art. 679

In accordance with the decision of Parliament, the following is enacted:

## Chapter I

### GENERAL PROVISIONS

#### Article 1. Scope and field of application

(1) This Code is aimed at

- ensuring the protection of programme consumers' rights to receive fair and objective information, which would forward to a free formation of opinions;
- ensuring broadcasters' rights to editorial freedom and freedom of expression;
- establishment of democratic working principles of the audiovisual in the Republic of Moldova

and, relying on constitutional rights and freedoms, the Code shall set up the legal regulatory basis for the process of:

- a) foundation and operation, broadcasting and/or re-broadcasting of programme services provided by broadcasters within the jurisdiction of the Republic of Moldova by means of TV and radio;
- b) public supervision over the activity of audiovisual institutions in the Republic of Moldova.

(2) This Code shall regulate neither audiovisual communication by means of closed-type TV and radio that are not intended for mass reception, nor the activity of the radio-amateurs.

#### Article 2. Terms employed

For the purposes of this Code:

a) *Transmission* means the initial emission of programme services meant for the public by means of terrestrial transmitter, cable or via satellite, in encoded or unencoded form;

b) *Re-transmission* signifies the fact of receiving and simultaneously transmitting, irrespective of the technical means employed, complete and unchanged television programme services, or important parts of such services, transmitted by broadcasters for reception by the general public.

c) *Broadcaster* means the natural or legal person who has editorial responsibility for the composition of television programme services for reception by the general public and transmits them or has them transmitted by a third party;

d) *Public service broadcaster* signifies an editorially independent national or regional audiovisual institution that has a public legal entity status, serving the society, the activity of which is supervised by the society;

e) *Private broadcaster* – an audiovisual institution that has the private legal entity status;

f) *Service provider* – any legal entity that offers programme services to the public by any means of electronic communication, including satellite, cable, or ether on the basis of contracts with broadcasters or other providers;

g) *Programme service* means all the items of radio and TV programmes provided by a broadcaster;

h) *Audiovisual communication* means making available to the public of various programme services by means of terrestrial frequencies and other technical means (transmitters, satellites, cable, etc.);

i) *A programme or broadcast* means an audiovisual product identifiable by its title, content, duration, format or author within a programme service;

j) *Domestic production* means audiovisual works and produced by the broadcasters that are subject to the jurisdiction of the Republic of Moldova and/or independent producers of programme services in the Republic of Moldova.

k) *Own production* means audiovisual works conceived and produced exclusively by broadcasters using their own technical, financial and intellectual means or means especially hired for this purpose on the basis of a contract.

l) *Advertising* means any form of public announcement regarding the execution of a commercial, craft, or professional activity which is intended to promote goods supply or service rendering against payment, to advance a cause or idea, or to bring about some other effect desired by the advertiser or the broadcaster itself, broadcast on the basis of a contract with a public or private natural or legal person in return for payment or similar consideration or for self-promotional purposes;

m) *Surreptitious advertising* means a deliberate presentation (through words, sounds or images) of goods, services, names, trademarks or activities of a goods producer or service provider broadcast with an undeclared advertising purpose; such a form of presentation is considered to be deliberate, especially when it is made in return for some financial advantages, some mutual services or other benefits of similar effects;

n) *Teleshopping* means direct offers broadcast to the public with a view to the supply of goods or, if appropriate, services in return for payment;

o) *Sponsorship* means any contribution of a natural or legal person, who is not engaged in broadcasting activities or in the production of audiovisual works, if this contribution is exclusively intended to finance the audiovisual programmes, with a view to promoting the name, trademark, image or activities of that person or production;.

p) *Event of major importance* means any organized event that is of a major interest to a significant part of the public;

q) *Broadcasting licence* is a legal document whereby the Council for Coordination on Audiovisual grants the right to broadcast a certain programme service, within a specific region to a broadcaster established in the jurisdiction of the Republic of Moldova;

r) *Re-transmission authorization* is a legal document whereby the Council for Coordination on Audiovisual grants the right to re-transmit a programme service on the territory of the Republic of Moldova;

s) *Technical licence* is a legal document whereby the Central Public Administration in the field legalizes the use of technical means of air and cable telecommunications in compliance with the provided parameters, and grants the right to use one or more radio-electric frequencies for a determined period of time to the holder of a broadcasting licence obtained on the basis of a contest, according to the conditions provided by it;

t) *Programme consumer* means any natural or legal person who receives programme services transmitted or retransmitted on the territory of the Republic of Moldova;

u) *Prime time* is the time interval between: 06.00 – 09.00; 19.00 – 23.00 for TV and 06.00 – 13.00; 17.00 – 20.00 for radio;

v) *Information space* means the radio frequency spectrum or terrestrial radio-electric waves;

w) *European audiovisual works* means creative works, the production or co-production of which is controlled by European natural or legal persons;

### **Article 3. European works**

(1) For the purpose of this Code European works are:

- a) audiovisual works originating from the Republic of Moldova or the member states of the European Union;
- b) audiovisual works originating from third European states that are part of the European Convention of Transfrontier Television, which fulfil the terms provided for in paragraph (3);
- c) audiovisual works originating from other European states that fulfil the terms provided for in paragraph (4).

(2) The provisions from paragraph 1 letters b) and c) shall be applicable provided that the respective states do not adopt certain discriminatory measures against works originating from Moldova or from the member states of the European Union.

(3) Works stipulated in paragraph (1) letters a) and b) are works mainly created by the authors and workers residing in one of the respective states who fulfil one of the following terms:

- a) they are created by one or more producers established in one or more of the respective states;
- b) the production of such works is effectively supervised and controlled by one or more producers settled in one or more of the respective states;
- c) the contribution of the co-producers from such states to the total co-production

costs is predominant and the co-production is not controlled by one or more producers established outside the respective states.

(4) Works stipulated in paragraph (1) letter c) are works created exclusively or in co-production with the producers established in one or more third European states with which Moldova or the European Union concluded agreements regarding the audio-visual sector provided such works are mainly accomplished by the authors and employees residing in one or more of the European states.

(5) Works which are not European works for the purpose of paragraph (1), but which are created on basis of bilateral co-production treaties concluded with third countries will be considered European works for the purpose of applying the provisions of this Code, if the co-producers from Moldova and the member states of the EU deliver a majority percentage from the total production costs and it is not controlled by one or more producers established outside Moldova and the member states of the European Union.

(6) Works which are not European works for the purpose of paragraphs (1) and (5), but which are mainly created by the authors and workers residing in Moldova or in the member states of the EU will be considered European works for the purpose of applying this Code in a percentage corresponding to the percentage of the contribution of the co-producers from Moldova or from the member states of the EU to the total production costs.

(7) Starting with the date of Moldova's joining to the European Union, any broadcaster established within the jurisdiction of Moldova shall reserve to the European works at least 51% from its transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services and tele-shopping.

(8) Until the date of Moldova's becoming an EU member, broadcasters shall reserve a considerable proportion of the transmission time to domestic and own production. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public shall be progressively achieved, according to the provisions of art.11.

(9) Council for Coordination on Audiovisual shall supervise the application of par. (7) and (8), setting down clear mechanisms of its implementation.

(10) The provisions of par. (1) – (6) shall not be applied to the broadcasters' programme services meant for a local or regional audience and those broadcasters are not part of a national network.

#### **Article 4. Broadcaster under the jurisdiction of the Republic of Moldova**

(1) For the purpose of this Code, a broadcaster shall be deemed to be under jurisdiction of the Republic of Moldova if he meets one of the following conditions:

- a) the broadcaster has its head office in the Republic of Moldova and the decisions on programme schedules are taken in the Republic of Moldova;
- b) the broadcaster has its head office in the Republic of Moldova and a major part of the workforce involved in the pursuit of the broadcasting activity operates in the Republic of Moldova.

- c) the editorial decisions upon programme services are taken in Moldova and a major part of the workforce involved in pursuit of the broadcasting activity operates in Moldova or in one of the member states of the European Union where the broadcaster has its head office;
- (2) broadcasters to whom the provisions of paragraph (1) are not applicable and they are not established in any of other state-party of the European Convention on Transfrontier Television, shall be deemed to be under the jurisdiction of the Republic of Moldova in the following cases:
- a) they use a frequency granted by Moldova through the competent public authority;
- b) they use a satellite capacity appertaining to the Republic of Moldova;
- c) although they use neither a frequency granted by Moldova nor a satellite capacity appertaining to Moldova, they do use a satellite up-link situated in the territory of the Republic of Moldova.
- (3) If the criteria stipulated in paragraphs (1) and (2) are irrelevant in establishing the applicable jurisdiction, the broadcaster shall be deemed to be outside Moldova's jurisdiction.
- (4) The rights to transmit and re-transmit any programme service performed by a broadcaster, respectively a service provider, under the jurisdiction of Moldova are acknowledged and guaranteed by this Code.
- (5) The transmission of a programme service by a broadcaster within the jurisdiction of Moldova may be performed only on the basis of a broadcasting licence and a technical licence. The retransmission of a programme service by a broadcaster within the jurisdiction of Moldova may be performed only on the basis of a retransmission licence and a technical licence. Cases of impairment with this paragraph are being stipulated in art. 30, par. (1) and (2)

#### **Article 5. Classification of Broadcasters**

For the purpose of this Code, a broadcaster within the jurisdiction of the Republic of Moldova is:

- a) According to the type of ownership and scope of activity, there are:
- public service broadcasters;
  - private broadcasters
- b) according to the territorial coverage, there are:
- local broadcasters with a local coverage (covering one locality);
  - regional broadcasters with a 60% coverage at most of the whole territory of Moldova;
  - national broadcasters with a geographical coverage area exceeding 60 % of the whole territory of Moldova

## **CHAPTER II**

### **AUDIOVISUAL COMMUNICATION PRINCIPLES**

#### **Article 6. Guarantee of respect to the dignity of human being and ensuring protection of minors**

(1) A broadcaster shall not broadcast programmes comprising any form of incitement to hatred on the ground of race, religion, nationality, gender or sexual orientation.

(2) The transmission of programmes that may seriously impair the physical, mental or moral development of minors, especially programmes containing pornography or licentious language, giving undue prominence to violence, is interdicted.

(3) Programmes which are likely to impair the physical, mental or moral development of children and adolescents (but not falling under par.(2) above) shall not be scheduled except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.

## **Article 7. Political and social balance and pluralism**

(1) The transmission and retransmission of programme services carry out and ensure political and social pluralism; cultural, linguistic and religious diversity; information, education and entertainment of the public respecting the legal guarantee of fundamental freedoms and human rights.

(2) Granting airtime to a political party or movement with a view to promoting their positions, the broadcaster shall also grant airtime to other political parties and movements within the same type of programs and hours, without any ungrounded delays or favouring a certain party, regardless of the percentage of its representation in the Parliament.

(3) Broadcasters must cover the elections in a fair, balanced and impartial manner to encourage and facilitate a pluralist expression of trends of opinions. Broadcasters' conceptions regarding the coverage of electoral campaigns shall be adopted by the Council for Coordination on Audiovisual and submitted to the Central Election Commission in strict accordance with the legislation in force.

(4) In order to ensure the observance of the principles of social and political balance, equidistance and objectivity within broadcasters' news and current affairs programmes, they shall ensure that:

- a) each news story shall be accurate;
- b) The sense of reality shall not be distorted by means of editing tricks, comments, wording or headlines;
- c) The principle of multi-source information shall be observed in cases of news stories covering conflict situations.

(5) The concentration of property in the audiovisual field is limited to dimensions ensuring economic efficiency, and it shall not generate dominant positions in the formation of public opinion, in order to protect pluralism and political, social and cultural diversity.

## **Article 8. Editorial Independence and Freedom**

(1) Broadcasters within the jurisdiction of the Republic of Moldova shall have the right to freely decide the content of their programs and shows, following the principle of opinion pluralism in compliance with the legal framework and under the conditions provided in the broadcasting licence.

(2) Censorship of any kind upon audio-visual communication is interdicted.

(3) Editorial independence of broadcasters is acknowledged and warranted by the law.

(4) Any kind of interference of public authorities or any other persons from outside the given institution in the content, shape or illustration methods of elements comprised in programme services is interdicted.

(5) The regulatory standards issued by the Council for Coordination on Audiovisual shall not be deemed as interferences when applying this Code in accordance with the legal provisions, as well as the standards on human rights, stipulated in the conventions and treaties the Republic of Moldova is part of.

## **Article 9. Free Program Service Reception**

(1) This Code shall recognize and guarantee the right of any person to freely receive the program services offered to the public by the broadcasters within the jurisdiction of the Republic of Moldova, member states of the European Union and of the states-parties to the European Convention on Transfrontier Television in compliance with the technical and commercial parameters established by broadcasters and service providers. Managers of

housing resources of any type shall not interfere with ensuring a qualitative program services supply for tenants by service providers.

(2) Paid TV (broadcasting and re-transmission of program services against payment) may take place only on the basis of a signed agreement with the programme consumer in accordance with the legislation in force. Service providers shall create non-discriminatory programme service packages at prices accessible to different categories of population.

(3) Payments for programme and accessory services (connection, repair, etc.) rendered to the program consumer shall be performed exclusively on the basis of invoices only at the head office or any other office belonging to the service provider or at banks and post offices. It shall be prohibited cash payment at consumer's home or office or to collect payment through a third person.

#### **Article 10. Rights of Program Consumer**

(1) Moldova's legislation guarantees the right to comprehensive, objective and fair information, the right to freedom of expression and the right to free communication of information by broadcasting means.

(2) The Council for Coordination on Audiovisual, having the task to coordinate on the audiovisual activities, as well as the judicial authorities shall ensure the protection of rights of program consumers.

(3) The judicial authorities shall take action to protect the rights of program consumers if the latter notify about any violations.

(4) The regulatory authorities in the audiovisual field shall ensure the protection of consumer rights stipulated in this article directly or through a counsel for the defence if the holder of these rights notifies about any violation.

(5) Broadcasters shall ensure objective information of the public and favour a free formation of opinions.

#### **Article 11. Protection of the Linguistic, Cultural and National Heritage**

(1) On developing the Strategy of territorial program service coverage, the Council for Coordination on Audiovisual shall take into account the linguistic peculiarity at the national and local level and ensure that, starting with January 01, 2010; at least 70% of the number of frequencies shall be offered to program services broadcasting in the official language. This provision shall not be applicable to music works.

(2) From January 01, 2010, at least 80% of the volume of programme services shall include own and domestic production and European works, 50% of which shall be broadcast within the prime time

(3) The volume of the own and domestic production of informative and analytical nature broadcast in the official language shall make up not less than 65% until January 01, 2007. Starting with January 01, 2007 this production shall make up not less than 70%, and from January 01, 2010 - not less than 80%.

(4) Cultural and musical programme services broadcast within prime time shall include domestic production in a proportion of at least 60% of the weekly volume reserved for the respective genre of audiovisual production.

(5) The program excerpts presented in other languages shall be accompanied by translation into the official language (doubling, voice-over or subtitles). This provision shall not be applicable to programmes teaching foreign languages and music videos.

(6) If a broadcaster presents a programme in a language other than the official one, the language of the programme shall be pointed out in the published programme paper.

(7) Feature films and documentaries shall be broadcast with voice-over or subtitles, keeping the original sound track, whereas films for children shall be doubled or voiced in the official language.

(8) On offering programmes for retransmission, service providers shall give priority to programme services made in the official language.

(9) In the localities, where representatives of a national minority make up the majority of the population, local and regional broadcasters shall ensure that at least 20% of programmes are being broadcast in the official language. The activity in the linguistic field of “Teleradio Gagauzia” Company shall also be regulated by the competent authorities of the Administrative-Territorial Entity Gagauzia.

### **Article 12. Protection of national information space**

The whole spectrum of radio frequencies and terrestrial radio-electric waves is a state national property and it shall not be used otherwise but under the law.

### **Article 13. Access to events of major importance**

(1) Access to events of major importance by means of program services provided by broadcasters is guaranteed by law.

(2) Events of major importance may be exclusively transmitted or retransmitted only if the broadcast does not deprive a substantial proportion of the Moldovan public of the opportunity of following such events by live coverage or deferred coverage.

(3) Events of major importance shall be:

- a) Olympic Games;
- b) International music contests;
- c) European and World sport championships;
- d) Other events stipulated as such in international conventions and treaties in the field of audiovisual.

(4) Access of disabled (deaf) people to TV transmissions of major events and news is guaranteed by interpreting (gesturing) at least 20 minutes of the daily airtime of programme services

### **Article 14. Ensuring Confidentiality to Information Sources**

(1) The confidential nature of information sources used in conceiving or issuing news, broadcasts or other programme service elements is guaranteed by law.

(2) Any journalist or program producer is free not to disclose data that might identify the source of obtained information directly related to his/her professional activity.

(3) The following data shall be regarded as able to identify an information source:

- a) the name and personal data as well as voice and image of a source,
- b) the factual circumstances of acquiring information from a source by a journalist,
- c) the unpublished content of the information provided by a source to a journalist,
- d) personal data of journalists and their employers related to their professional work.

(4) Other persons who, by their professional relations with journalists, acquire knowledge of information identifying a source through the collection, editorial processing or dissemination of this information, should equally be protected under the principles as journalists are.

(5) The disclosure of an information source may be ordered by judicial authorities insofar it is necessary in order to protect national safety or public order and insofar such disclosure is necessary to solve a case judged at a law court when:

- a) reasonable alternative measures to the disclosure do not exist or have been exhausted;
- b) the legitimate interest in the disclosure clearly outweighs the public interest in the non-disclosure

#### **Article 15. Protection of Journalists**

- (1) Authorized public authorities shall ensure:
  - a) journalists' protection if these are subject to pressures or threats that might effectively impede or restrain the free exertion of their profession;
  - b) the protection of broadcasters' head offices and precincts, in case they are subject to threats that could impede or affect the free development of their activity.
- (2) The protection of journalists, broadcasters' headquarters or precincts, under paragraph (1), shall not become a pretext to prevent or restrict the free exertion of their profession or to claiming the fundamental rights by the journalists.
- (3) The restriction is punishable under law

#### **Article 16. The Right of Reply, Rectification, and Equivalent Remedies**

- (1) Every natural or legal person, regardless of citizenship, nationality or place of residence, whose legitimate rights and, especially, public reputation and image have been harmed by the presentation of inaccurate facts in a program shall have the opportunity to exercise a right of reply, rectification, or to seek for other comparable remedies according to the provisions of the Civil Code.
- (2) A broadcaster shall ensure the exercise of the right of reply, rectification or other comparable remedies and shall not hinder its execution by imposing unreasonable terms and conditions.
- (3) The broadcaster shall be notified in written on the request to exercise the right of reply within 20 days beginning from the date of the transmitted programme to which the request refers. The broadcaster shall broadcast the reply in the same programme within 5 days after having received the request of the applicant.
- (4) The person who exercises the right of reply shall not reimburse the expenses related to reply broadcasting.
- (5) The request to exercise a right of reply can be rejected if such a reply is not justified according to the conditions specified in paragraph (1).
- (4) The broadcasting of the rectification or granting of the right of reply shall not remove the right of the injured person to apply to judicial authorities.
- (5) Broadcasters shall ensure the recording of the broadcast programmes.
- (6) The records shall be kept for a period of at least thirty days from the date of their airtime.
- (7) In case there is a request to exercise a right of reply, the broadcaster shall keep the records up to a complete exhaustion of litigations.

#### **Article 17. Broadcasting Notifications on the State of Emergency**

- (1) In the case of a threat to public security or the constitutional order, broadcasters are required to promptly transmit the official announcements of the Parliament, President and Government in all their programme services at their own expense.

2) Broadcasters shall, without delay and free of charge, transmit in all their programme services information which is necessary for the protection of the life, health and security of persons or for the prevention of environmental or property damage.

#### **Article 18. Copyright and connected rights**

- (1) The transmission and retransmission of programme services shall take place obligatory observing copyright and connected rights, in compliance with the copyright and connected rights legislation.
- (2) Broadcasters shall sign agreements either directly with the holders of copyright or connected rights or with their representatives or organisations managing copyright or connected rights on collective principles, according to the authorizations and licences held.
- (3) Re-transmission of a program service without an agreement signed with the broadcaster, service provider or another holder of the rights on the re-transmitted programme service shall be deemed a violation of copyright and connected rights and shall be accordingly sanctioned.

### **CHAPTER III**

#### **Advertising, Teleshopping, and Sponsorship**

##### **Article 19. Advertising and Teleshopping**

- (1) The transmission time of a broadcaster which is used for advertising or teleshopping is broadcaster's commercial product.
- (2) Service providers shall be free to offer retransmission time for advertising or teleshopping with the view of placing advertising and teleshopping spots under the provisions of this Code.
- (3) Service providers shall have the right to place their own advertising only within the airtime meant to self-promotion and broadcasts' advertising, and the right to offer this time to third parties only on the basis of an agreement signed for this purpose with the broadcaster.
- (4) In case of placing advertising or teleshopping spots in re-transmitted programme services on the basis of an agreement signed between a service provider and a holder of the right on the broadcasting time, the advertising or teleshopping spots shall be accompanied by clear and easily identified logo of the audiovisual institution that performs the retransmission.
- (5) Advertising and teleshopping shall not:
  - a) use subliminal techniques
  - b) feature, visually or orally, persons regularly presenting news and current affairs programmes.
- (6) Advertising, including self-promoting advertising and teleshopping shall comply with the following rules:
  - a) they shall not prejudice the physical, psychical or moral development of minors;
  - b) they shall not prejudice human dignity;
  - c) they shall not include any discrimination form on basis of race, religion, nationality, etc.;
  - d) they shall not be offensive at the address of religious or political beliefs of viewers and listeners;
  - e) they shall not encourage a conduct that can damage public health or safety;
  - f) they shall not encourage a conduct that can damage the environment;

- g) they shall not encourage an indecent or immoral conduct;
- h) they shall not promote, directly or indirectly, occult practices.

(7) Advertising and teleshopping shall be broadcast under the Advertising Act.

(8) Advertising and teleshopping shall not prejudice the interests of consumers.

(9) Any form of advertising or teleshopping for tobacco products shall not be allowed.

(10) Advertising for medicines and medical treatment which are only available on medical prescription shall not be allowed. Broadcasters advertising medicines and medical treatment that do not need a medical prescription shall include into the advertising message the recommendation to consult a physician or pharmacist if side effects appear, and shall place the number of the commercialization licence granted by the competent authority on the screen for 5 seconds or during the entire commercial. Advertising for medicines and medical treatment shall not feature actors or stars playing a part of a doctor or teacher.

(11) Advertising and teleshopping for alcoholic beverages shall comply with the following rules:

a) they shall not be addressed to minors and no one associated with the consumption of alcoholic beverage in advertising or tele-shopping should seem to be a minor;

b) they shall not link the consumption of alcohol to physical or mental performance, or driving;

c) they shall not claim that alcohol is a stimulant that can lead to better social or sexual performance;

d) they shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal problems;

e) they shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;

f) they shall not place undue emphasis on the alcoholic content of beverages

(12) TV advertising and teleshopping must not cause any moral, physical or intellectual harm to minors, especially:

a) not to directly instigate minors to buy a product or service, by exploiting their lack of experience or their trustfulness;

b) not to directly encourage minors to convince their parents or other people to buy goods or services that are the object of advertising;

c) not to exploit the special trust the minors have in their parents, teachers or other people;

d) not to present minors in dangerous circumstances without any ground.

Advertising may not cause any moral, physical or intellectual damage to minors and especially:

a) it must not directly instigate minors to purchase a product or service by exploiting their lack of experience or credulity;

b) it must not directly encourage minors to persuade their parents or other persons to purchase goods or services that represent the object of the advertising;

c) it must not exploit the special trust that minors have into parents, teachers or other persons;

d) it must not unjustifiably show minors in dangerous situations.

(13) Teleshopping shall observe the requirements provided for in paragraphs (1) - (9) and it shall not exhort minors to contract for the sale or rental of goods and services.

(14) Surreptitious advertising and tele-shopping shall not be allowed.

## **Article 20. Sponsorship**

(1) Sponsored programs shall meet the following requirements:

- a) The content and scheduling of sponsored programmes may in no circumstances be influenced by the sponsor in such a way as to affect the responsibility and editorial independence of the broadcaster in respect of programmes.
- b) Sponsor's appropriate credits shall clearly be identified as such at the beginning and/or end of the programme.
- c) They shall not encourage the sale, purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services in such programmes.

(2) Programmes may not be sponsored by natural or legal persons whose principal activity is the manufacture or sale of tobacco products.

(3) Companies whose activity includes the manufacture or sale of medicines and medical treatments may sponsor programmes by promoting the name, trademark, image or activities of the company, to the exclusion of any reference to medicines or specific medical treatment available only on medical prescription.

Program sponsorship by persons whose activity includes the production or sale of health products or health cures can be done only by promoting the name or the image of the given person.

(4) Sponsorship of news and current affairs programmes shall not be allowed.

## **Article 21. Broadcasting Conditions for Commercials or Teleshopping Spots**

(1) Advertising and tele-shopping spots shall be transmitted in blocks and clearly distinguishable as such and recognizably separate from the other items of the programme service by optical or acoustic means.

(2) The broadcasters and service providers shall obligatory place their own logotype within the block provided for in par. (1), thus, indicating the legal person responsible for broadcasting the advertising. This provision shall not be applied to radio programmes.

(3) Advertising and tele-shopping shall be inserted between programmes or parts of programmes.

(4) If a certain TV program lacks autonomous parts, it can be interrupted in order to place advertising or teleshopping spots in such a way that the integrity of the programme and the interests of the rights holders are not prejudiced and they may be interrupted once for each complete period of twenty minutes.

(5) In programmes consisting of autonomous parts, or in sports programmes and similarly structured events and performances comprising intervals, advertising and tele-shopping spots shall only be inserted between the parts or in the intervals.

(6) The transmission of feature films and films made for television (excluding series, serials, light entertainment programmes and documentaries), provided their scheduled duration is more than forty-five minutes, may be interrupted once for each complete period of forty-five minutes. A further interruption is allowed if their scheduled duration is at least 110.

(7) Advertising and tele-shopping shall not be placed next to any broadcast of a religious service and they shall not be inserted in a broadcast of a religious service.

(8) Where programmes, other than those covered by paragraph (3), are interrupted by advertising or tele-shopping spots, a period of at least twenty minutes should elapse between each successive advertising break within the programme.

(9) News and current affairs programmes, children's programmes, and documentaries, when their scheduled duration is less than thirty minutes, shall not be interrupted by advertising or tele-shopping.

#### **Article 22. Duration**

(1) The transmission time for advertising spots shall not exceed 15% of the transmission time. The transmission time for tele-shopping spots, advertising spots and other forms of advertising, shall not exceed 20% of the daily transmission time.

(2) Broadcasters re-transmitting programmes shall cover the advertising re-transmitted from another state - country of origin of the re-transmitted channel.

(3) The duration of advertising spots within a given clock hour shall not exceed 12 minutes.

(4) Windows devoted to tele-shopping programmes broadcast within programme services which are not exclusively devoted to tele-shopping shall be of a minimum uninterrupted duration of 15 minutes. The maximum number of windows per day shall be eight. Their overall duration shall not exceed three hours per day.

(5) Advertising shall not include:

a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes;

b) announcements in the public interest broadcast free of charge.

c) charity appeals;

d) spots supporting national communication campaigns that promote social messages.

(6) Advertisers shall not exercise any editorial influence over the content or production process of programmes.

## **CHAPTER IV LICENCES**

#### **Article 23. Broadcasting Licence**

(1) Licences for broadcasting program services by means of terrestrial radio-electric waves shall be issued by the Council for Coordination on Audiovisual on a competitive basis.

(2) Licences for broadcasting program services by telecommunication means other than the terrestrial radio-electric ones shall be issued on the basis of a CCA decision without any contest.

(3) The Council for Coordination on Audiovisual shall issue a broadcasting licence under the following conditions:

a) issuing a broadcasting licence is deemed to a subsequent observance of the objectives stipulated in the Strategy on covering the national territory with audio-visual programme services in compliance with the National Plan of Radio Frequencies;

b) issuing a broadcasting licence is deemed to meet the principles of ensuring pluralism in the audiovisual field, precluding the creation of any potential conditions for a monopolistic ownership and media concentration in the audiovisual sector particularly and in mass media on the whole, taking into account the degree of compliance with this requirement of the broadcasters already issued with a licence.

c) a decision of licensing shall be made taking into consideration the applicant's financial viability, the extent the applicant's proposals comply with his/her real financial potential;

d) applicants offering programme services which comprise own and autochthonous production, and European works shall take priority of being issued with a licence.

(4) The licensing terms and procedure of granting licences shall be published in Monitorul Oficial (Official Gazette) of the Republic of Moldova and on the CCA web site.

(5) A broadcasting licence for terrestrial radio and/or TV program services shall be granted for a 7-year period, whereas for cable radio or TV programme services - for a 6-year period;

(6) According to the Strategy on covering the national territory with audio-visual programme services, the Council for Coordination on Audiovisual shall make a decision and publish in Monitorul Oficial (Official Gazette) of the Republic of Moldova, on the Council's website and in other Moldovan mass media, including the local ones, a notification regarding the contest for available frequencies. The notification shall comprise the following:

a) Application terms and deadline;

c) Program service requirements;

d) Technical parameters of frequencies, maximum capacity of transmitters, territorial coverage;

e) The validity period of a broadcasting licence;

f) State fee for a broadcasting licence;

g) Application form which shall provide for at least the following obligatory indexes: organisational structure and capital of the applicant's institution, owner's identification data, contents and duration of the proposed programmes, programme orientation, potential audience, sources of financing the program services, copies of agreements on purchasing or renting the necessary equipment, other data that would confirm the applicant's technical potential;

h) A business plan covering the validity period of the acquired broadcasting licence, information regarding other mass media activities.

(7) The Council for Coordination on Audiovisual shall publish the concepts of the proposed program services and information on the contest participants, according to the submitted applications within the deadline.

(8) The Council for Coordination on Audiovisual shall set up the date of carrying out the contest within 20 days as of the date on which the deadline expires.

(9) After an objective and impartial review of all the applications, according to the criteria under par. (3), the Council for Coordination on Audiovisual shall nominate the winner of the contest.

(10) The Council for Coordination on Audiovisual shall take a decision regarding the results of the contest. The Decision of the Council shall be published in the Monitorul Oficial (Official Gazette) of the Republic of Moldova within 15 days from the date of its adoption; this decision may be contested in a court.

(11) A broadcasting licence for public programme services shall comprise exhaustive requirements stipulated in the Code.

(12) Licensees shall notify in writing the Council for Coordination on Audiovisual of starting to broadcast the programme service at least 72 days before the first broadcasting day.

#### **Article 24. Extension of broadcasting licence**

(1) A broadcasting licence may be legally extended upon a broadcaster's request, if his/her activity had been in compliance with the provisions of this Code and the requirements provided for in the broadcasting licence within its validity term.

(2) A broadcasting licence shall be extended for the term stipulated under art. 23, par. (5)

(3) A broadcaster provided for in par. (1) may appeal for an extension of his/her broadcasting licence twice, at most.

#### **Article 25. Broadcasting Licence Indicators**

(1) A broadcasting licence shall set out:

- a) number of the licence;
- b) identification data of its holder;
- c) type of programme services;
- d) name and identification elements of the programme service;
- e) the general format of the programme service and the structure of the programmes;
- f) the broadcasting area;
- g) the validity period;
- h) fees and taxes to be paid;
- i) telecommunication means used for broadcasting and holder's name;
- j) the assigned frequency or frequencies, as the case may be.

k) a statement that broadcasters are obliged to meet the terms of this Code, together with any any Code on content standards issued by CCA and other applicable laws;

l) a statement that broadcasters must comply with requests for information from the CCA in pursuance of their regulatory duties;

m) a statement that broadcasters are obliged to record all their output, to retain these tapes for a period of at least 30 days as of their broadcastin date, and to hand over the recordings to the CCA and a judicial authority, if a right of reply is required, or for monitoring or complaints-handling purposes;

n) a statement that broadcasters are obliged to observe the consumer's right to a complete, fair and objective information; freedom of expression; free formation of opinions, ensuring the transmission of fair and impartial news.

(2) Upon a broadcasters' request, minors amendments to licences shall be allowed by a CCA decision within 30 days as of the date of the licence issue, aiming at ensuring plenary interests of audience, except the cases if the requested ammendment conflicts with the provisions of the Strategy of covering the national territory with audio-visual programme services.

(3) The Council for Coordination on Audiovisual may amend a broadcasting licence during its validity term to bring a broadcaster's activity in compliance with the current (recently occurred) provisions of the legislation in force.

#### **Article 26. Licence Transfer**

(1) Licence rights may be transferred to a third party only by the CCA consent, provided that the new holder assumes all obligations that arise from the licence.

(2) The Council shall decide on a licence transfer of rights within 15 days from the date of receipt of the request.

#### **Article 27. Revocation of broadcasting licence.**

(1) The Council for Coordination on Audiovisual may revoke a broadcasting licence if:

- a) the licensee continually fails to fulfil the conditions specified by the licence;

- b) the licensee violates the requirements of this Code in his/her activity;
- c) the licensee submits false information in order to obtain the licence;
- d) the licensee does not begin to broadcast the program service for at least one year after the issue date of the broadcasting licence;
- e) the licensee ceases to broadcast for more than 45 days, due to technical reasons and for more than 72 hours, due to any other reason;
- f) the licensee's activity results in violation of the standards on audiovisual property regime;
- g) broadcaster's technical licence has been withdrawn;
- h) a licensee has filed up request for licence revocation.

(2) The Council for Coordination on Audiovisual shall bring a decision of revocation into operation only after having exhausted all other means of sanction under the provisions of art.38 in this Code.

### **Article 28. Retransmission Authorization**

(1) The retransmission of any programme service by the service providers shall be performed only on the basis of retransmission authorization issued by the Council and by consent of the producer of program services suggested for re-transmission.

(2) Service provides must apprise the Council for Coordination on Audiovisual of the structure of the supply of retransmitted programme services, so as to obtain an authorization.

(3) The Council for Coordination on Audiovisual shall establish a procedure of issue, amendment and withdrawal of a retransmission authorization by a CCA decision.

(4) The Council shall withdraw the retransmission authorization if a service provider retransmits a programme service without holding the retransmission rights, or upon the holder's request.

(5) In order to obtain an authorization for retransmitting program services an applicant shall apply to the Council for Coordination on Audiovisual submitting an application form that shall comprise the applicant's name, surname, citizenship (for legal persons – name of the firm) and address; as well as information regarding the fact whether he/she participates in other mass media as a founder (shareholder).

(6) The applicant shall enclose to the application for a retransmission authorization the following documents:

- a) a general concept of the program service requested for retransmission;
- b) a copy of a document certifying payment of the state fee;
- c) agreement(s) concluded with the producer(s) of the program service(s) requested for retransmission

### **Article 29. Retransmission terms.**

(1) On retransmitting a service program or a part of the program, the identification logo of the program producer shall be retained, specifying the re-broadcaster's identification logo.

(2) A broadcaster retransmitting a program service on the territory of the Republic of Moldova from a state that is not under the jurisdiction of the European Union or it is not party to the European Convention on Transfrontier Television, bears responsibility for the compliance of the retransmitted program contents to the requirements of this Code.

(3) Whenever practical to do so, holders of a retransmission authorization shall notify beforehand the Council for Coordination on Audiovisual about any modification in the supply structure of the retransmitted programme services.

(4) Service providers, holders of a re-transmission authorization shall ensure as well the retransmission of program services in the language of the relevant minority in the localities where representatives of a national minority or an ethnic group count for over 20%.

(5) Any service providers that retransmits programme services by telecommunication networks must include in their supply package the public programme services and, if possible, the local programme free of charge.

#### **Article 30. Free Retransmission.**

(1) The retransmission of any program service, legally broadcast by broadcasters under the jurisdiction of the Republic of Moldova or under the jurisdiction of another state with which the Republic of Moldova concluded an international agreement on free retransmission in the field of audiovisual, shall be free under the law and shall not require any prior licence.

(2) The retransmission of the programme services on the territory of the Republic of Moldova by a broadcaster under the jurisdiction of the European Union member states and states-parties to the European Convention on Transfrontier Television and received on the territory of these states, shall not need any prior authorization.

(3) The Council for Coordination on Audiovisual may temporarily restrict the right to free retransmission of a certain programme service originating in the European Union Member States or states-parties to the European Convention on Transfrontier Television, if the program service is not in compliance with provisions stipulated in the Convention.

#### **Article 31. Technical Licence**

(1) The technical licence shall be granted to the licensee by the central public administration authority, within at least 5 days after the date of submitting the application.

(2) The licensee shall apply for a technical licence within 6 months after the date of obtaining the broadcasting licence.

(3) Licensees shall hand in their applications for a technical licence to the Council for Coordination on Audiovisual and the latter shall transmit it to the central public administration authority.

(4) The central public administration authority shall establish the technical licence granting and modification procedure and conditions, fees for technical licence granting, tariffs for frequency usage.

(5) A technical licence shall be valid for the validity term of the broadcasting licence.

(6) The provisions of this Article shall not be applicable to public broadcasters, they being exempted from the payment of fees for frequencies usage.

#### **Article 32. Supervision of Technical Parameters**

The central public administration authority shall establish a procedure of monitoring and control of the parameters stipulated in the broadcasting licence, and it shall perform the monitoring and control in the course of the licence validity period directly or by a public or private legal person, according to its procedure.

#### **Article 33. Amendment of a technical licence**

The central public administration authority may change the frequency and its technical data stipulated in the technical licence, due to technical reasons or the amendment of the

National Plan for Frequencies Assignment, without interrupting the service and ensuring a reception of equivalent quality.

**Article 34. Withdrawal of technical licence.**

The central public administration authority shall withdraw a technical licence in the following circumstances:

- a) the licensee violates the provisions stipulated in the technical licence;
- b) as a result of broadcasting licence revocation;
- e) upon licensee's request;
- f) the licensee ceases to broadcast for more than 45 days, due to technical reasons and for more than 96 hours, due to any other reason.

**Article 35. The Strategy on covering the national territory with audio-visual programme services and the National Plan for Frequencies Assignment**

(1) The Council for Coordination on Audiovisual shall develop the Strategy on covering the territory of the Republic of Moldova with audiovisual program services, shall nominate the regions and localities covered by these, according to the principles of the audiovisual development of the Republic of Moldova and shall submit it to the central public administration authority.

(2) In order to guarantee the public interest, the Council for Coordination on Audiovisual shall annually review the strategy on covering the national territory with audiovisual program services and shall submit it to the central public administration authority and publish it on the CCA website.

(3) On developing the Strategy on covering the territory with program services, the Council for Coordination on Audiovisual shall take into account the National Plan for Frequencies Assignment.

**Article 36. National Plan for Radio-Electric Frequencies**

(1) The central public administration authority in co-operation with the Council for Coordination on Audiovisual shall draft the National Plan for Frequencies Assignment, (hereinafter referred to as the Plan), in accordance with the state policy promoted in this field by the State Committee for Radio Frequencies.

(2) The Plan shall set out the frequencies intended for broadcasting program services.

(3) The Plan shall be drafted observing the provisions of the international treaties and agreements the Republic of Moldova is party of.

(4) The Plan shall provide for at least 6 national frequencies for audio broadcasting and 5 national frequencies for TV broadcasting.

(6) The Plan shall be published in Monitorul Oficial (Official Gazette) of the Republic of Moldova within at least 15 days form the date of its approval.

**CHAPTER V  
CONTROL AND SANCTIONS**

**Article 37: Supervision and Control**

(1) The Council for Coordination on Audiovisual shall supervise the implementation and observance of the provisions of this Code.

(2) On exercising its duties, the Council for Coordination on Audiovisual may request the necessary information from broadcasters or service providers, specifying the legal ground and the purpose of the request and shall set up the deadlines within this information should be delivered

- (3) The control activity shall be performed as follows:
- a) from the office;
  - b) upon the request of a public authority;
  - c) a natural or legal person has filed a complaint in regard of being directly offended by a violation of legislation in the field .
- (4) The Council for Coordination on Audiovisual shall investigate the submitted claims and requests within 15 days from the date of the notification. The results of control and, eventually, the decision on the application of a sanction shall be published.

### **Article 38: Sanctions**

(1) In case of violation of the legal regulations by broadcasters, one of the following sanctions shall be applied:

- a) public notification;
- b) withdrawal of the right to broadcast advertisement for a certain period of time;
- c) fine;
- d) suspension of the broadcasting licence for a certain period of time;
- e) revocation of the broadcasting licence;

(2) According to this Code there are the following contraventions:

- a) broadcasting program services without a broadcasting licence or without a retransmission authorization;
- b) transmission of program services violating the provisions of the broadcasting licence;
- c) a radical and unauthorized change of the program services which have been assumed as a basis of issuing the broadcasting licence;
- d) broadcasting a program service beyond the coverage area specified in the broadcasting licence;
- e) retransmission of program services violating the provisions of articles 28 – 30;
- f) transmission of program services which, as a consequence, lead to the violation of the provisions of articles: 6, 7 (par. 2 – 4), 10 (par. 1 and 5), 11 (par. 2 – 8), 17;
- g) broadcasting on another frequency or failure to observe the technical data, area or technical parameters specified in the transmission licence and the technical one;
- h) violation of the legal provisions on terms of broadcasting the advertising and teleshopping, stipulated in articles: 19 (par. 5, 10 – 12 and 14), 20 (par. 1 and 2), 21 (par. 7 and 8);
- i) failure to observe the legal provisions on granting the right of a reply , rectification, as well as similar remedies;
- j) illegal usage of the signals and logo of a different broadcaster;
- k) failure to observe the provisions regarding the judicial system of property in the audiovisual field;

(3) Sanctions provided for in paragraph (1) shall be progressively applied as follows:

- a) the Council for Coordination on Audiovisual shall issue a notification and publish it on its website, in case of a broadcaster's or service provider's violation of the provisions of this Code or a violation of any CCA decision deemed to be a normative document;
- b) if the broadcaster or the service provider fails to get into legality within the deadlines and conditions stipulated in the notification or repeatedly violates the same provisions, a fine form 100 to 300 minimum salaries shall be imposed;
- c) if the broadcaster or the service provider fails to get into legality post-fine imposition, the Council for Coordination on Audiovisual shall gradually apply the other sanctions provided for in this Code;

- (4) The Council for Coordination on Audiovisual may issue decisions regarding the administrative contravention, may apply an administrative sanction or may bring the matter into court and proceedings shall be instituted against it.
- (5) A broadcasting licence shall be withdrawn in accordance with art. 27, only if a recurrent and grievous violation of the provisions of the Code occurred.
- (6) In the rehabilitation period specified in the notification, the Council for Coordination on Audiovisual shall assist the broadcaster in every possible way to return into legality.
- (7) The Council for Coordination on Audiovisual shall inform the broadcaster or the service provider about any investigation that is concern of his/her, about any accusation brought against him/her and it shall give him/her an opportunity to present the case to the Council.
- (8) The decision of the Council for Coordination on Audiovisual, regarding the application of any sanction, shall be justified and published on the CCA web page;
- (9) Any decision of the Council for Coordination on Audiovisual, regarding the application of a sanction, may be contested in court by a broadcaster or service provider that was penalized.
- (10) A CCA decision regarding the application of a sanction that has not been contested in court within the period established by the law shall become a legal act of execution.

## **CHAPTER VI COUNCIL FOR COORDINATION ON AUDIOVISUAL**

### **Article 39: The Statute of Council for Coordination on Audiovisual**

- (1) Council for Coordination on Audiovisual is an autonomous public authority;
- (2) Council for Coordination on Audiovisual is the representative and the warrantor of the public interest in the field of audiovisual communication, the responsible regulatory authority in the terms of and by observing the provisions of this Code and international treaties in the field of the audiovisual the Republic of Moldova is party to;
- (3) Council for Coordination on Audiovisual has the status of a public legal person with all the attributes thereof;
- (4) Council for Coordination on Audiovisual shall be consulted in the process of defining the position of the Republic of Moldova and it may send its representatives to participate at the international negotiations on audiovisual;

### **Article 40: Competence of the Council for Coordination on Audiovisual**

- (1)** Council for Coordination on Audiovisual is competent to:
- a) exercise supervision over the performance of the liabilities specified in the broadcasting licence in accordance with the established legal procedure and with the observance of the legal provisions;
  - b) supervise the content accuracy of programs provided for by broadcasters only post-broadcast;
  - c) approve the concept of covering the electoral campaign for the parliamentary and local elections according to the provisions of the Election Code of the Republic of Moldova;
  - d) monitor, in accordance with par. 1 b), the content of programs provided for by broadcasters and program service packages guaranteed by service providers, on a periodical basis and whenever the Council deems it necessary and whenever a complaint is filed in regard to a broadcaster's failure to observe the legal provisions, the regulation standards in the field or the liabilities specified in the broadcasting licence;

- e) counsel on the technical specifications of a public service broadcaster;
  - f) approve broadcasters' Code/Line of conduct policy in view of developing and broadcasting the program services according to the present Code and European standards;
  - g) notify the Supervisory Council of the public broadcasting service "Teleradio-Moldova" of any deviation of the program services from the provisions specified in the broadcasting licence;
  - h) approve internal audit rules of the public service broadcaster;
  - i) decide upon setting up, restructuring or suspending the activities of the structural units of the national public broadcaster upon the proposal of the Supervisory Council;
  - j) establish the terms, criteria and procedure of granting a broadcasting licence;
  - k) establish the procedure of granting the retransmission authorization;
  - l) issue broadcasting licences and retransmission authorizations for program services;
  - m) take decisions with effect of regulatory documents in view of exerting its attributions provided for in this Code.
- (2) Instructions and recommendations of the Council for Coordination on Audiovisual shall be made public;
- (3) On exercising its duties, the Council for Coordination on Audiovisual shall make compulsory decisions that enter into force from the moment of their publication in the Official Monitor of the Republic of Moldova;
- (4) All the decisions of the Council shall be justified. Decisions, including their justification, shall be published in the Official Monitor of the Republic of Moldova and the CCA website;
- (5) The Council's decisions may be contested in a court by any person who deems to be harmed thereby.

#### **Article 41: Liabilities of the Council for Coordination on Audiovisual**

- (1) As a warrantor of the public interest in the field of audiovisual communication on democratic principles and protecting the rights of program consumers, the Council is liable to ensure:
- a) the observance of a pluralist expression of ideas and opinions in the programme services transmitted by broadcasters under the jurisdiction of the Republic of Moldova;
  - b) the encouragement of a free competition;
  - c) a fair balance between the national broadcasting services and the local and regional ones;
  - d) the protection of human dignity and of minors;
  - e) the protection of the informational space, the Moldovan culture and language, as well as of the culture and languages of ethnic minorities;
  - f) the transparency of mass media means of the audiovisual sector;
  - g) the transparency of its own activity;

#### **Article 42: The CCA Structure**

- (1) The Council shall consist of 9 members, appointed by the Parliament of the Republic of Moldova.
- (2) Candidates for the office of the Member of the Council shall be selected by the parliamentary Commission in the line and by the judicial Commission on nominations and immunity, which afterwards shall introduce these candidates to the Parliament for approval. The candidates may be proposed by public associates, foundations, trade unions, employers' associations and religious cults. The candidates' shall be submitted to the Commission in the line. When the candidates are introduced to the Parliament, the Committee in charge of records makes a report, and the judicial Committee on nominations and immunity makes a co-report.
- (3) Candidatship shall be approved by the vote of at least three fifths of the total number of members of Parliament. In case a candidate for the office of a CCA member does not take

the necessary number of votes, the parliamentary Commission in the line and the judicial Commission on nominations and immunity nominate another candidate in a two-week time.  
(3) A person may candidate for the position of member of the Council if he/she meets the following requirements:

- a) has a university degree and experience of at least 5 years in the following fields: audiovisual, communication technologies, law, finance, accounting, management, programme or informational development in a creative team at any institution;
- b) is at least 25 years old and not of the legal age for retirement;
- c) speaks the official language of the Republic of Moldova;
- d) has no previous convictions;

#### **Article 43: The Members of the Council for Coordination on Audiovisual**

- (1) The Members of Council shall be guarantors of the public interest and shall not represent the authority that has nominated them;
- (2) The Council's term of office shall be 6 years and staggered. Their appointment shall be made gradually: initially 3 candidates shall be elected for a 6-year term, 3 for a 4-year term and 3 for a 2-year term. When the initial mandate terms expire, other candidates for the position of a CCA member shall be nominated for a 6-year term upon the proposals made by the parliamentary Commission in the line and the judicial Commission on nominations and immunity, and according to the CCA notification.
- (3) During their term, the Members of Council may not be dismissed from their office, except for the period defined by this Code for the abdication of incompatibilities provided for in this Code.
- (4) One person shall be confined to only one term as a member of the Council.
- (5) The position of the a Member of the Council becomes vacant in the following cases:
  - a) resignation;
  - b) expiration of the term for this position;
  - c) conviction by a final judgement of the court;
  - d) loss of citizenship of the Republic of Moldova;
  - e) physical or mental incapacity;
  - f) reaching the age of retirement;
- (6) The Members of Council shall have the status of civil servants.
- (7) After being nominated by the Parliament, the members of Council for Coordination on Audiovisual swear-in during the plenum meeting the following oath:

"I swear to observe the Constitution and the laws of the Republic of Moldova, to defend the rights and the fundamental freedoms of citizens, to accomplish the prerogatives that this position has with honour, consciously and without partiality, not to make any political declarations during the validity of my mandate".

#### **Article 44: Incompatibilities with the Position of Member of Council**

- (1) The position of Member of Council shall be incompatible with any other public or private jobs, except for the scientific or teaching ones.
- (2) During this period, the Members of Council may not be members of any parties or other political structures.
- (3) The Members of Council, as well as their relatives by blood or in-law shall have no right to own directly or indirectly shares or share parts of commercial enterprises with activities in the fields where they may have a conflict of interests with the professional quality as a Member of Council or otherwise benefit financially from acting as a Council member.
- (4) The Members of Council who are in one of the situations stipulated in paragraphs (1)-(2), when being appointed, shall have no more than 30 days to refuse the

corresponding capacity or actions and shall not have the right to vote in the Council during this period.

- (5) In case the member does not respect the provisions of this Article, the rights of the member are dismissed and the position becomes vacant.

#### **Article 45: The President of Council for Coordination on Audiovisual**

(1) The Council is managed by a President, assimilated to the position of a vice minister, elected from among the Members of Council by an open ballot, and a simple majority of the total number of votes of the Members.

(2) The President of Council for Coordination on Audiovisual shall be responsible for the activity of the Council and the fulfilment of the assigned duties thereof.

(3) The President of the Council or an authorized member of the Council shall:

a) represent the Council inside the country and abroad in its relations with public authorities, natural and legal persons;

b) represent the Republic of Moldova in international organizations upon the issues related to the electronic mass media;

(4) The President of Council for Coordination on Audiovisual shall:

a) chair the sessions of the Council;

b) manage the financial means of the Council;

c) hire and dismiss the employees of the Council;

d) sign agreements with natural and legal persons;

(5) In the absence of the President, the Council shall be run by the Vice President.

(6) The Vice President shall be elected by an open ballot, by the Council, with a simple majority of its members' votes.

(7) If the position of the President or the Vice-President becomes vacant, a new President, respectively a Vice-President shall be elected in the terms of paragraphs (1) and (3).

(8) At least 30 days before the terms of the Council Members expire, the President of the Council shall announce the Speaker of the Parliament thereon, and then the Speaker of the Parliament shall notify the parliamentary Commission in the line and the judicial Commission on nominations and immunity in the first plenary meeting of the Parliament, about the beginning of the nominating procedure of the new members of Council for Coordination on Audiovisual.

(9) The President of the Council is the main credit accountant.

#### **Article 46: Remuneration of Council Members**

During their mandates, the Members of Council shall be paid a salary that makes up 90% from the salary of the President.

#### **Article 47: Council Funding**

(1) The funding of the Council will cover the estimative cost of all its activities, so as the Council shall work effectively and efficiently, and completely fulfil its duties;

(2) The Council budget is formed from the following sources:

a) governmental subsidies

b) income from the fees for licensing

c) income from the annual fee paid by broadcasters to cover the regulatory expenses; 1% from their annual business;

d) grants;

(3) The budget quota of Council for Coordination on Audiovisual that results from other sources than the governmental subsidies shall constitute a Fund assisting broadcasters, which shall have a separate regulation, developed and published by the Council. The Fund may not be used for remuneration of the Council members and its employees.

- (4) Council for Coordination on Audiovisual shall annually present the Parliament a budget project on the estimated costs of the activities planned by the Council to accomplish its duties and obligations;
- (5) The proposals submitted by the Council on the budget and its organisational structure shall be considered and approved at a plenary meeting of the Parliament of the Republic of Moldova.
- (6) The Council shall publish an annual report on its financial activity in the Monitorul Oficial (Official Gazette).

#### **Article 48: Council Organization and Activity**

- (1) Council for Coordination on Audiovisual is convened for a constitution meeting by the oldest member of it;
- (2) The Council shall develop its own internal Statute. The Status shall be approved afterwards by the Parliament.
- (3) In order to fulfil its duties according to this Code, Council for Coordination on Audiovisual adopts its decisions in an open door meeting with the majority of the total number of votes of its members;
- (4) In order to perform its duties, the Council shall establish its own functional structure including territorial structures of control and monitoring, which are stipulated in its own Statute.
- (5) In order to adjust the Strategy of territorial coverage with program services to the National Plan for radio-electric frequencies distributed for audiovisual communication and to study issues related to the use of the radio-electric spectrum destined to audio-visual communication, as well as those regarding the new technological developments with an impact upon audio-visual communication, a joint consultative committee shall be set up consisting of the members nominated by the Council and the members nominated by the Ministry of Informational Development.
- (6) The joint consultative committee shall adopt its own Rules of Procedure and it shall be approved by the management of the two authorities.

#### **Article 49: Supervision and Control over Council Activity**

- (1) **The activity of the Council is supervised by the Parliament, by debating the Council annual report.**
- (2) The annual activity report of the Council shall be submitted to the Parliament by February 1<sup>st</sup>.
- (3) If the Parliament rejects the annual report of the Council, the latter must submit a programme of substantial measures for the remedy of the signalled shortcomings within 30 days.
- (4) Once the activity report of the Council has been submitted, the parliamentary commission in the line shall submit an opinion on the lawfulness of the Council activities, as well as on the accuracy and transparency of financial transactions.
- (5) In fulfilling its mission of a guarantor of public interest, the Council must publish quarterly reports regarding the way it exerts its attributions.

## **CHAPTER VII**

### **PUBLIC SERVICE BROADCASTERS**

#### **Article 50: Legal Status of National Public Service Broadcaster / the national public broadcasting institution– “Teleradio-Moldova” Company**

- (1) The national public broadcasting institution– “Teleradio-Moldova” Company (hereinafter referred as “the Company”) is a broadcasting public service, editorially independent, as well as institutionally autonomous within its activity, founded on

the basis of the public financial resources, and, according to this Code, it provides program services for the entire society of Moldova, covering the entire territory of the Republic of Moldova;

(2) The Company is a legal person in public law.

(3) The Statute of the Company shall be approved by the Supervisory Council.

#### **Article 51: Functions of the Company**

(1) The functions of the Company shall be:

- a) development, production, broadcasting of radio and TV programmes about the internal and international social, political and economic events, as well as from the cultural fields, entertainment, education, sports, pluralistic programs, impartial, innovative, characterized by high quality and integrity of content, so as to ensure correct, impartial, equidistant information provided to the consumers, respecting the principle of political balance, freedom of expression, creation and beliefs;
- b) promotion of the national patrimony values, implementation of the linguistic policy of the institution according to the provisions of this Code;
- c) reporting on cultural achievements, world and national science, promotion of modern civilization values altogether to the public;
- d) upbringing of human dignity, tolerance, public moral, civic spirit, democratic values, national unity, truth, justice, taking into account moral, political and religious convictions of different groups of population;
- e) providing honest, faithful and equidistant information within news programmes;
- f) ensuring the right to information to all the categories of citizens of the Republic of Moldova, including ethnic minorities;
- g) respect the journalists' right to develop and be bound by self-regulatory codes of journalistic ethics, specifying the professional standards in the field;
- h) ensuring the record of the events and significant works from a cultural and historic viewpoint and keeping the records for future generations, as well as broadcasting own production within the standards stipulated by the Code;
- i) production of cognitive and entertainment programmes for children of different ages, teenagers, young people;
- j) favouring democratic debates, exchange of opinions between different categories of population, as well as the integration of citizens in the society;
- k) implementation of new technologies of production and broadcasting of programme services and services in the field of audiovisual communication;

(2) In order to encourage and promote the native production and ensure that its programmes offer a large variety of opinions and perspectives, the company shall aim to have 20% from its program services from the independent Moldovan producers;

(3) The Company has the right to record or broadcast live and free of charge the sessions of the Parliament, Government, public debates of public authorities, mass meetings, demonstrations, processions, manifestations, commemorative, religious meetings and other public actions regardless of the place where these take place.

(4) The Company may have in its structure territorial public offices and other independent functional unities;

## **Article 52: Editorial Independence**

(1) The editorial independence of the Company is guaranteed by law. Public authorities, parties, commercial, economic organizations, social-political bodies, trade unions shall not be allowed to interfere.

(2) The editorial and creation independence includes an exclusive right of governing bodies of the Company to adopt, within the limits set out by this code, decisions concerning:

- a) development of the editorial politics, adoption and modification of the broadcasting schedule of the Company;
- b) organisation of the editorial and creation activity;
- c) development and production of the programmes, including news and informative programmes;
- d) other activities stipulated in the Code and / or by the Supervisory Council of the Company;

(3) The executive board of the Company must ensure the editorial independence within the institution, journalists' access to information, freedom of creation, observance of fundamental human rights.

(4) The executive board of the Company shall adopt clear and precise regulations concerning organisation of activity, so as to avoid different influences upon the editorial and creation process of the Company;

## **Article 53: Advertising, Teleshopping and Sponsorship**

The Company will place the advertising and sponsored programmes according to the provisions of art.19, par. 5-8, 10-12 and 14, art. 20-22. Broadcasting teleshopping programmes within the program services of the company shall not be allowed.

## **Article 54: Object of the NPBS Activity**

The Company shall have the following object of activity:

- a) producing radio and TV programmes in the official language of the Republic of Moldova, as well as in the languages of national minorities or in other languages of international use, having an informative, cultural, educational, and entertaining purpose, in accordance with the provisions of this Code;
- b) broadcasting programmes through its own stations and technical means or renting them from telecommunication services, radio-electric networks, as well as by means of satellite, cable or other technical means;
- c) producing radio and TV programmes, recordings on any kind of carrier, feature films, TV shows, TV series, scientific and documentary films, for its own programme services and for an exchange with similar organizations in the country and abroad. These can be produced by its own or in cooperation with other internal or external partners;
- d) organizing concerts, festivals and performances involving the public, contests, intelligence tests and random games, concluding agreements with local or foreign artists and impresarios for the programmes, concerts and shows which are organized by the Company, paying remunerations and accepting payments in accordance with the law;
- e) carrying out advertising activities through own broadcasts and publications, for Moldovan and foreign advertisers;
- f) organizing activities of collecting documentation on issues related to audiovisual activities, consequently editing the collected material and offering the programmes, advertising materials and of other publications related to radio and TV activity to be broadcast;
- g) carrying on research and design activities, specific audio and video technical work, monitoring the scientific research results and evaluating them in accordance with the law, promotion of the technical and scientific progress within the activity of the institution;

- h) carrying on foreign commerce operations with audiovisual production and payment operations in MDL (national currency) and in foreign currency in accordance with the law;
- i) concluding, upon a request and if appropriate, agreements with similar organizations from abroad aiming at producing, co-producing and broadcasting of own production abroad, staff exchange, with view of offering the opportunity of a direct mutual share of information;
- j) organizing the activities of the audiovisual territorial public offices;
- k) any other activities stipulated in the Code and the Statute of the Company;

#### **Article 55: Company Management**

The management of the company shall be exercised by:

- The Supervisory Council;
- The President of the Company;
- The Director of Radio and the Director of TV;

#### **Article 56: Composition of the Supervisory Council**

- (1) The Supervisory Council shall consist of 9 members, public figures with professional qualifications in different fields such as culture, arts, cinema, journalism, law, financial management and management of a profit-making organisation, public relations, international relations, education, mass-media and engineering.
- (2) The Members of the Supervisory Council shall carry on their own activity and do not represent any other outside interest but the public one. They do not request and do not accept any instructions related to the Supervisory Council activities from interested people from outside the company.
- (3) The Members of the Council shall be appointed by the Parliament according to the following procedures:
  - a) The Council for Coordination on Audiovisual issues a public announcement inviting candidates for the position of a member of Supervisory Council, publishing the job criteria and the deadlines for the applications;
  - b) Council for Coordination on Audiovisual selects and presents 2 candidates for each vacant position to the Parliament. The goal of this procedure is to select qualified candidates, with a large variety of professional background and personal integrity called up to lead the public broadcasting;
  - c) The Parliament shall confirm the selected candidates' appointment as members of council only by a three fifths majority. At least two members of the Council shall be females and other 2 shall have professional background in financial management and management of commercial organisations;
- (4) The Supervisor Council's term of office shall be 4 years;
- (5) Initially, three members of the Supervisory Council are appointed for a two-year term, 3 members for a three-year term and the other 3 for a four-year term.
- (6) The Supervisory Council shall operate according to its own regulation;
- (7) The Council shall hold open meetings that are organized as many times as necessary to accomplish its duties;
- (8) The Supervisory Council shall elect its president by a majority of its members' votes;
- (9) The Supervisory Council shall carry on its activities without remuneration, with the exception of the secretary, who shall be a full time employee and paid by the company. His salary is decided by the council. The other members of the council are paid with a sum of money that equals with 20% of the president's wage for every attended meeting. But, the monthly remuneration of each member of the Executive Board shall not exceed 50% of the president's wage;

### **Article 57: Exigency and Incompatibilities**

- (1) The person who candidates for the position of a member of the Supervisory Council shall:
  - a) have a Moldovan citizenship;
  - b) have University degree in one of the fields mentioned in article 56, par.1;
  - c) know the official language of the Republic of Moldova;
  - d) have no penal convictions.
- (2) The position of a member of the Supervisory Council is incompatible with:
  - a) parliamentary status, member of government, member of Council for Coordination on Audiovisual;
  - b) the status of a direct or indirect holder of shares or parts of the statutory funds of a commercial organisations that operates in the field where there are conflict of interests with the position of a member of the Supervisory Council;
  - c) the status of a wage-earning within the company;
  - d) the status of member of a political party;

### **Article 58: Competence of the Supervisory Council**

The Supervisory Council shall be competent to:

- a) approve the company statute and its amendments;
- b) approve the Statement of Programme Policy that includes the financial plan and the declaration of the editorial policy of the company;
- c) assess, on an annual basis, the performance of the Company and top management, publishing reports and recommendations;
- d) approve the development, reorganisation or cessation of the activities performed by the subdivisions of the company, including the territorial offices;
- e) organizes public meetings with the representatives of different audience categories from Moldova aiming at conducting audience research;
- f) appoint the president of the company, Radio and TV directors, on a contest basis;
- g) notify, from the office and on demand, upon the violation of this Code and other laws in force, applying to its president come back into the legality;

### **Article 59: Vacant seat of a Council member**

The position of a Supervisory Council member shall become vacant in case of:

- a) resignation;
- b) mandate termination;
- c) a judgement of conviction enters into force with regard to him/her;
- d) loss of the Moldovan citizenship;
- e) mental or physical incapacity to perform his/her duties;
- f) the regular and unjustified absence from the meetings of the Supervisory Council;

### **Article 60: The President of the Company**

- (1) The President of the Company shall perform the general management of the institution on the principle of decisional independence, shall be responsible for program services according to the audiovisual communication principles of this Code and other laws in the field, as well as for an efficient management of the company and financial resources.
- (2) The President shall represent the Company in court, regarding the Company relations with other institutions and organizations in the Republic of Moldova and abroad, signing contracts and agreements on behalf of the Company.
- (3) The President has the following prerogatives:
  - a) ensures within the established limits by this Code and the company statute, its current administration;

b) ensures the implementation of the decisions made by Supervisory Council, the requirements specified in the broadcasting licence, and the provisions of the agreements concluded by the company;

c) approves, on the motion of radio and TV directors, dispositions regarding the well-functioning of the technical equipment of the company, economical, commercial and financial transactions, recruitment, staff training, employment and dismissal from the office;

d) together with radio and TV directors, heads of main units, develops and proposes the Company Statute afterwards approved by Supervisory Council, Statement of Programme Policy, establishing and reorganizing activities and the cessation of the Company subdivisions activities;

e) exercises other attributes related to his/her duties in accordance with this Code and company Statute;

(4) The Company president shall be appointed for a five-year term;

(5) Supervisory Council shall announce the president position vacant and set out the contest regulations.

(6) The Supervisory Council shall publish the vacancy announcement and the contest regulations (candidate's selection criteria) in the Official Gazette (Monitorul Oficial) of the Republic of Moldova and on website;

(7) The Contest Regulation including the candidate's selection criteria, the list of applicants, the applicants' CVs, as well as their proposed conceptions of company development shall be made public so as to ensure the transparency of contest procedure.

(8) The Supervisory Council shall confirm a person as President of the Company only by a two-thirds majority.

(9) The Supervisory Council shall set the president's wage scale that may vary from 3 -5 monthly average wages of the creative staff of the company, calculated on the basis of the last 3 months of the Company activity.

(10) The Supervisory Council may remove the President from the office only by a two-thirds majority.

(11) The president of the company shall:

a) have professional experience in field of public broadcasting service; have management ability;

b) have higher education degree;

c) have citizenship of Moldova;

d) know the official language of the Republic of Moldova;

(12) The President of the Company shall not:

a) be a member of a management body or employed in, or have the status of a partner, shareholder, or owner of a private broadcasting station;

b) be a member of a party or other political associations;

c) be a member of Government of the Republic of Moldova, Member of Parliament or hold any paid position out of the Company;

d) be a Member of Council for Coordination on Audiovisual.

(13) The President of the Company shall hold only function-compatible positions, if any, in the field of: education, science, creation in specialized publications with a literary, artistic, scientific or social nature if the latter does not contravene the interests of the Company.

(14) The President of the Company shall exercise his/her duties until a succession in title is appointed.

### **Article 61: Radio and TV directors**

- (1) The Radio and TV directors shall be appointed to these positions for a five-year term;
- (2) The Radio and TV directors shall be appointed on a contest basis, according to the provisions specified in art. 58.
- (3) The Radio Director shall be responsible for the administration of the creation process at the radio station of the Company;
- (4) The TV Director shall be responsible for the administration of the creation process at TV channel(s) of the Company;
- (5) The Radio and TV directors shall be entitled to:
  - a) submit for the President's consideration suggestions regarding hiring and resignation of the radio / TV staff, according to the law;
  - b) approve the competence and duties of the radio and TV units;
  - c) adopt orders concerning the organization and performance of the management in the main Radio and TV units of the Company.
  - d) exercise other duties according to the provisions of this Code, the Company Statute and President's decrees.
- (6) The Supervisory Council shall set the Radio and TV directors' wages that may vary from 3 to 4 monthly average wages of the creation staff, calculated on the basis of the last 3 months of the Company activity.
- (7) The Radio and TV directors shall be removed from the office only in accordance with the provisions of art. 60, par. 10.
- (8) The Radio and TV directors shall meet the requirements stipulated in art. 60 par.11 – 13.

### **Article 62: Statement of Duties**

- (1) The Statement of Duties shall comprise 2 parts: the financial plan and the Statement of Programme Policy (for the Company and separately for each programme service), which shall ensure the transparency and public support of company activities. It shall also provide for the procedure of approval of the annual company budget.
- (2) The Statement of Duties shall be elaborated by the President of the Company, the radio and TV directors and the heads of the Company units and it shall be approved by the Supervisory Council.
- (3) The financial plan shall comprise:
  - a) budget draft, elaborated as provided for in art. 64;
  - b) list of transmitters used by the company (rented and owned);
  - c) projects of founding and developing the territorial offices and network of reporters as provided for in this Code and according to the provisions of international treaties Moldova is a party to.
  - d) the principles and reasons of broadcaster's employees' remuneration;
  - e) projects of capital construction, reconstruction, technical equipment and re-equipment;
  - f) other data;
- (4) Statement for Programme Policy (for the company and separately for each programme service) shall comprise:
  - a) list of broadcaster's radio and TV channels, their daily and total broadcast volume;
  - b) air time assigned for the programmes broadcast in the state language and in the languages of national minorities;
  - c) air time assigned for news;
  - d) air time assigned for feature films and documentaries, for shows made and/or purchased by the broadcaster;
  - e) annual air time assigned for own production;
  - f) projects of programme exchange with foreign countries;
  - g) air time assigned for the programmes meant to foreign countries;
  - h) other data;

### **Article 63: Property of the Company**

(1) The Company shall own, use, and handle its property according to the current legislation and shall have the right to possess only such assets that are necessary to carry out the functions specified in the Company Statute.

(2) The Company shall not have the right to:

- a) ensure the accomplishment of the obligations of other persons by means of its property or be a partner of a general company or a general partner of a limited partnership;
- b) ensure the accomplishment of the duties with all its movables or immovables, or with a part of the them that exceeds 50% of the balance sheet value of all the movables or immovables;
- c) transfer ownership free of charge or against a price that is less than the normal value of the property, or to sponsor some programmes or make any other financial donations;
- d) grant loans or take property on lease with a commercial purpose (financial leasing);
- e) raise loans or take property on the basis of a commercial rent agreement with an obligation to purchase it (financial leasing) if, as a result of such a transaction, the total amount of the payments associated with the loan and financial leasing exceeds, in any year, 10 % of the annual budget revenues of the year when the transaction was concluded.

(3) Paragraph 2 e) of this article shall not be applied to loans for which the Government of the Republic of Moldova offered state guarantee. The Supervisory Council shall file a request with the Government of the Republic of Moldova for guarantee for loan, and the Government shall make a decision on the respective legislative initiative.

(4) Having received the consent of the Supervisory Council in advance, The Company may perform transactions that involve:

- a) purchase or cessation of a package of shares in a company;
- b) purchase, transfer or cessation of activities of an enterprise;
- c) mortgaging or transferring its registered real or personal property;
- d) loans.

(5) The broadcasts created and produced by the Company shall belong to it as its property. The Rules of procedure of maintaining and keeping archives of audiovisual recordings and documents files shall be set out in the Statute of the Company.

### **Article 64: Budget of the Company**

(1) The Parliament shall guarantee an effective and proper financing of company activities;

(2) The Company shall be financed from the following sources:

- a) the subvention allocated from the state budget, according to Statement of Duties;
- b) donations and sponsorships for special projects;
- c) funds obtained by putting at somebody's disposal the right of usufruct and transfer of property, as well as broadcasts;
- d) revenues obtained as a result of organizing public events according to the object of activity of the Company;
- e) revenues obtained as a result of advertising;
- f) other financial resources the legal nature of which is in line with the provisions of this Code and to the legislation in force;

(3) The Supervisory Council shall develop the draft budget of the Company;

(4) The approved budget and the reports on its implementation shall be made public;

(5) The activity report regarding the budget usage shall be submitted to the Parliament together with the annual report of activity and they shall be published;

(6) The Company accounts shall be audited by an external auditor;

### **Article 65: Regional Public Broadcasters**

- (1) The regional public broadcaster, “Teleradio-Gagauzia” Company, shall operate in Gagauzia, according to this Code and at the decision of the Gagauzian Assembly.
- (2) Regional public broadcasting services shall also operate in the districts located on the left bank of the Nistru river, after having solved the transnistrien problem, at the decision of the regional public authorities.

## **CHAPTER VIII PRIVATE BROADCASTERS**

### **Article 66: Establishment and Activity of Private Broadcasters**

- (1) Private broadcasting services may be set up by natural and legal persons;
- (2) Public authorities at any level, institutions of public law financed from the state budget, political parties and associations, enterprises and institutions specialized in the field of telecommunications shall not be allowed to be founders of private broadcasters.
- (3) A natural person or legal entity can have not more than 2 broadcasting licences in the same administrative-territorial unit or area, without the possibility of having the exclusivity;
- (4) A natural or legal person, from the country or abroad, may be investor or hold the majority of shares, directly or indirectly, of two broadcasters, at most, of different types.
- (5) Private broadcasters shall get financing from the revenues obtained from commercial activities, sponsorships and delivering services.
- (6) A private broadcaster shall be liable to inform the public about its names and premises of the administration, name of programme makers and directors, signals of the radio station, and the TV logo.
- (7) A private holder of a broadcasting licence shall submit annually a report on the implementation of the concept of the programme service of the previous year of activity to the Council for Coordination on Audiovisual;
- (8) A private broadcaster shall accomplish different activities according to the general concept of the program service that served as a basis for the Council for Coordination on Audiovisual to grant a broadcasting licence and / or a retransmission.

## **CHAPTER IX FINAL AND TRANSITIONAL PROVISIONS**

### **Article 67:**

The audiovisual law Nr. 603-XIII from October 3<sup>rd</sup>, 1995; Law Nr. 1320-XIV from July 26<sup>th</sup>, 2002, concerning the national public institution of audiovisual – company “Teleradio-Moldova” shall be abrogated as of the date this Code comes into force.

### **Article 68:**

- (1) The Parliament of the Republic of Moldova shall set up and approve the structure of the Council for Coordination on Audiovisual within 2 months from the date on which this Code comes into force
- (2) Within two months from the date of its formation, the Council for Coordination on Audiovisual shall draft and submit its Statute, organizational structure, the draft budget for the following year and the salary quantum of its members and employees, to the Parliament of the Republic of Moldova for approval;
- (3) Within two months from the date of its formation, the Council for Coordination on Audiovisual shall publish an announcement inviting candidates for the position of a member of Supervisory Council of the national public broadcasting institution –

“Teleradio-Moldova” Company, in Monitorul Oficial (Official Gazette) and on its website.

- (4) Within two months from the date of its formation, the Supervisory Council shall announce the contest for the positions of: TRM President, radio and TV directors of the Company.
- (5) Within two months from the date of its formation, the Council for Coordination on Audiovisual shall initiate the control of existing program services and of legality of licence release to the owners, including the broadcasters founded and financed by the authorities of local public administration and shall elaborate recommendations with regards to the mechanism of their coming into legality ensuring the development of a pluralistic environment for the development of the audiovisual field. Their liquidation shall not be allowed.
- (6) The authorities of the local public administration that founded the audiovisual institutions shall issue, within 3 months, their decisions on the reorganisation of these institutions according to this Code.
- (7) The Council for Coordination on Audiovisual shall consult the broadcasters and other interested parties and shall elaborate, within a reasonable period of time, a code of conduct policy which shall contains exhaustive and detailed regulations concerning the development of some program services based on the audiovisual communication principles provided for in this Code and according to the European standards.
- (8) Broadcasting licences issued to the broadcasters before this Code entered in force shall remain valid until the period of time they were issued for expires.

**The Speaker of the Parliament,**

**Marian Lupu**

**Chisinau, July 27<sup>th</sup>, 2006**

**Nr. 260 - XVI.**