

/COAT OF
ARMS OF THE
REPUBLIC OF
MOLDOVA/

MEMBER OF PARLIAMENT OF THE REPUBLIC OF MOLDOVA

MD-2073, Chisinau, 105, Stefan cel Mare si Sfant Boulevard

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**To the Permanent Bureau of
the Parliament of the Republic of Moldova**

In accordance with the provisions of art. 73 of the Constitution of the Republic of Moldova and art. 47 of the Regulation of the Parliament, we hereby submit the draft law supplementing the Audiovisual Code of the Republic of Moldova, as a legislative initiative.

Annexes:

1. The draft law
2. Information note

/seal of the Secretariat of the
Parliament of the Republic of Moldova/
/D.D.P. No. 125, 02 April 2015/

Members of Parliament:

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LAW
supplementing the Audiovisual Code
of the Republic of Moldova No. 260-XVI dated 27 July 2006

The Parliament hereby adopts this organic law.

Art. I – The Audiovisual Code of the Republic of Moldova, No. 260-XVI dated 27 July 2006 (Official Monitor of the Republic of Moldova, 2006, No. 131-133, art. 679), as further amended, shall be supplemented as follows:

1. **Article 11** shall be supplemented with paragraph (3¹) which shall read as follows:

"(3¹) Broadcasters and service providers shall broadcast informative and analytical domestic programmes at a share of 100%, of which 80% shall be in the Romanian language. It shall be permitted to broadcast informative programmes and political-analytical programmes made in the member states of the European Union, the USA, as well as the states that have ratified the European Convention on Transfrontier Television."

2. In **article 38**, after paragraph 1, a new paragraph (1¹) shall be inserted, which shall read as follows:

"(1¹) The following sanctions shall be applied for the violation of the provisions of article 11 paragraph (3¹):

- a) fines from MDL 30,000 to MDL 50,000;
- b) the suspension of broadcasting licenses for up to 30 days;
- c) the withdrawal of broadcasting licenses."

Art. II - This law shall enter into force on the 1st of July 2015.

PRESIDENT OF THE PARLIAMENT

INFORMATION NOTE
on the draft Law supplementing the Audiovisual Code of the Republic of Moldova
No. 260-XVI dated 27 July 2006

Broadcasted mass media are the most important source of information for the majority of the population. A large part thereof transmit Russian channels. This has been possible, both due to the limited capability to create local content, permissive laws and, more importantly, the tolerance displayed by the broadcasting regulatory authority.

Today, mass media originating from the Russian Federation is being spread by means of rebroadcasting in exaggerated volumes – 2/3 of rebroadcasted channels, their content being to the detriment of the national interest and against constitutional provisions.

Article 32, para. 3 of the Constitution of the Republic of Moldova sets out the following: *Challenging and slandering the state and the people, inciting wars of aggression, national, religious and racial hatred, inciting discrimination, territorial separatism, public violence, as well as other manifestations that encroach upon the constitutional regime, shall be prohibited and sanctioned in accordance with the law.*

In Article 34, para. 2, 3, 4, the Constitution sets out as follows:

Public authorities, according to the powers incumbent upon them, are under the obligation to ensure that citizens are properly informed on public affairs and matters of personal interest; The right to information shall not infringe measures in place for the protection of citizens or national security;

Public mass media, both state-owned and private, are under the obligation to ensure that public opinion is informed in a correct manner.

In addition, the European Convention on Transfrontier Television, ratified by the Republic of Moldova, in Article 5, para. 3, clearly states that *Where the program services broadcasted from the territory of states that are not parties to this convention are rebroadcasted by entities or by technical means that are under the jurisdiction of a party, within the meaning of art. 3, such party shall ensure, as a broadcasting party, by appropriate means and through its duly empowered authorities, the compliance of such services with the provisions of this convention.*

Moreover, in Article 7, the Convention sets out the responsibilities of broadcasters, wherein the explicitly states, in letter b), that broadcasters shall not *give undue prominence to violence or be likely to incite to racial hatred*, and, in para. 3, that *the broadcaster shall ensure that news fairly presents facts and events and encourages the free formation of opinion.*

Therefore, everything that does not meet the standards of a pluralistic, accurate, equidistant and credible journalism, may be deemed propaganda or manipulation, which represent forms of communication for the purpose of influencing opinions, emotions, attitudes and behaviors of any group of people for the direct or indirect benefit of the sponsor of such communication.

Believing that the freedom of expression and information, as guaranteed by art. 10 of the Convention for the protection of human rights and fundamental freedoms, is one of the essential principles of a democratic society and one of the fundamental conditions for the development of such society and of every human being.

Out of a desire to provide the public with an increased possibility of choosing programme services, that would allow the harnessing of the national patrimony and the development of domestic audiovisual creations, and having decided to attain this cultural objective by means of efforts dedicated to increasing the production and circulation of high quality programmes, thus answering the expectations of the public in political, educational and cultural areas.

Recognizing the need to strengthen the legal framework, we propose new judicious and proportionate regulations in order to ensure the proper functioning of the audiovisual sector, with a view to excluding informational manipulation.

These additions aim at ensuring the protection of the national informational space, as well as at consolidating the powers of the BCC to continuously monitor the informative-analytical programmes that are rebroadcasted from abroad in order to ensure compliance with the law.

Corina Fusu /signature/