

[MD] Sweeping changes in the Audiovisual Code

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A 46-page-long set of sweeping amendments to the Audiovisual Media Services Code (AVMSC) of the Republic of Moldova, previously adopted by the national parliament, was officially published and came into force (with some exceptions) on 21 August 2025.

Among the definitions that were amended, is, once again (see IRIS 2023-9:1/14) the definition of disinformation. It now closely follows the definition provided by the 2018 EU Action Plan against Disinformation. A new definition – “hate speech” – now follows and expands the wording of the Recommendation of the Committee of Ministers of the Council of Europe to member states on combating hate speech (CM/Rec(2022)16). It is now considered to be “all types of expression that incite, promote, spread or justify hatred, violence or discrimination against a person or a group of persons, or that denigrates or harms their honour and dignity by reason of their personal characteristics or their real or perceived status, such as race, colour, ethnic, national or social origin, citizenship, sex, gender, language, religion or religious beliefs, political opinions, disability, sexual orientation, gender identity, health status, age, marital status, migrant or asylum status” (Article 1 of the AVMSC).

In Moldova the “broadcasting of audiovisual programmes that constitute hate speech, disinformation, propaganda of military aggression, extremist content, terrorist content or that pose a threat to national security is prohibited” (Article 17, paragraph 3 of the AVMSC). In the spirit of the EU Digital Services Act, the national media regulator, the Audiovisual Council (CA), shall certify persons and legal entities with a new status of “trusted flaggers” on illegal audiovisual content on online platforms. The regulator is now obligated to encourage “the development and implementation of professional co-regulation and self-regulation mechanisms” (Article 13, paragraph 16). It also establishes the need for the CA to cooperate, under certain circumstances, with the European Board for Media Services (Article 17-1).

The AVMSC encompasses a new principle for audiovisual communications (Article 8, paragraph 3) that prohibits “any interference of any kind in the content, form or methods of creation and presentation of audiovisual programmes and other elements of audiovisual media services by any person or public authority”. It imposes an obligation on the state to “respect the effective editorial

independence and the independence of audiovisual media service providers in the exercise of their professional activities. The state shall not intervene in or influence the editorial policy and editorial decisions of audiovisual media service providers." The amended AVMSC (Article 9) details issues of protection of journalistic sources and of confidential communications similarly to Article 4 of the European Media Freedom Act (EMFA).

It makes it clearer that media service providers must "ensure", in reporting on a fact or event, that the information is verified and presented impartially and in good faith (Article 13, paragraph 1b). In addition, the new obligations are introduced "to respect the principles of fairness, balance and impartiality" and "to avoid any form of discrimination" (Article 13, paragraphs 1c and d).

The provisions of the AVMSC on the public service broadcaster are enforced with stronger provisions on its financial sustainability and institutional autonomy (Articles 31 and 34). The amendments concern also the name, number and qualifications of members, procedures and activity in relation to the Supervisory Board and the Director-General of the national public broadcaster (Articles 37, 43 and 46).

Regulation of the activity of the CA is also modified (in Articles 75-76 and 80) to enforce its transparency, sustainability and efficiency.

The amendments introduce a new chapter in the AVMSC (VIII-1) on regulation of the video-sharing platform providers located in the jurisdiction of the Republic of Moldova. They mostly concern the protection of minors and transparency of the platforms under Moldovan jurisdiction.

With regard to advertising, audiovisual media service providers shall now comply with the requirements on reducing the exposure of minors to the promotion of foods and beverages high in fat, salt or sugar (HFSS products) (Article 15, paragraph 7-1).

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