[MD] New Audiovisual Code

IRIS 2019-3:1/24

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After several setbacks, on 18 October 2018, the Parliament of the Republic of Moldova adopted in its final reading the Audiovisual Media Services Code of the Republic of Moldova, which creates the framework required for implementation of the EU's Audiovisual Media Services Directive ("the AVMS Directive"). As the President refused to sign it, it was promulgated on 8 November 2018 by the chairman of the Parliament.

The new law replaces an earlier Audiovisual Code from 2006 (see IRIS 2006-9/27). It brings national legislation more into line with the AVMS Directive, especially in the fields of the protection of minors, the protection of consumers (commercial communications), incitement to hatred, events of major importance, the right of reply, material scope, jurisdictional issues, non-linear audiovisual media services, and the promotion of European works.

In particular, it regulates the balance of views and accuracy of facts in news programmes and current affairs talk shows (Article 13). In order to protect the "national audiovisual space and ensure the security of information", the Code allows providers and distributors of media services to broadcast "informational and current affairs, military-political television and radio programmes" produced in the European Union member states, in the United States and Canada, and in other countries that have ratified the European Convention on Transfrontier Television (paragraph 4 of Article 17). According to an earlier decision of the Constitutional Court of Moldova this provision establishes a blanket ban on broadcasters and service distributors disseminating such programmes if they have been produced in states other than those listed therein.

The Audiovisual Media Services Code traditionally regulates the establishment and status of the public service media, rules governing licensing, the status of the national media regulator (the Council on Television and Radio), and the use of national language.

The Code, apart from a few provisions, entered into force on 1 January 2019.

When presenting a legal review of Moldova's Audiovisual Code while it was still a draft, the OSCE Representative on Freedom of the Media, Harlem Désir, called for further legal certainty and commitment to international standards: "It is further recommended that the Code provide greater legal certainty vis-à-vis the services

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that are actually included or excluded, and that the definitions of the Code be improved in order for them to be fully in line with international standards."

COD Nr. 174 din 08.11.2018 serviciilor media audiovizuale al Republicii Moldova Publicat : 12.12.2018 în Monitorul Oficial Nr. 462-466 art Nr: 766 Data intrarii in vigoare : 01.01.2019

http://lex.justice.md/viewdoc.php?action=view&view=doc&id=378387&lang=1

Code of the Republic of Moldova on Audiovisual Media Services, nr. 174 of 8 November 2018. Officially published on 12 December 2018 in Monitorul Oficial Nr. 462-466

The Court Examined the Constitutionality of Certain Provisions of the Audiovisual Code on State Informational Security, 4 June 2018, Constitutional Court.

http://constcourt.md/libview.php?l=en&idc=7&id=1210&t=/Media/News/The-Court-Examined-the-Constitutionality-of-Certain-Provisions-of-the-Audiovisual-Code-on-State-Informational-Security

OSCE Representative presents a legal review of Moldova's Audiovisual Code, calls for further legal certainty and commitment to international standards, Vienna, 20 June 2018

https://www.osce.org/representative-on-freedom-of-media/385245

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