[MD] Audiovisual Code amended again

IRIS 2023-9:1/14

Andrei Richter
Comenius University (Bratislava)

On 31 July 2023, the Moldovan Parliament adopted a new set of amendments to the Audiovisual Media Services Code (the Code) designed to counter Russian propaganda. The amendments, at least in part, were put forward in response to the criticism by the Venice Commission that the sanctions for violations of the provisions foreseen by the 2022 amendments to the Code (see IRIS 2022-7:1/3) were problematic, as the formula on the "gradual application" of sanctions was found to be "too vague" and did not "provide sufficient guarantees against the risk of misuse or extensive interpretation of the provision".

The Code was amended to clarify that the national media regulator, the Audiovisual Council (CA), may first "suspend the broadcast license for a period of up to seven days, or, as applicable, [...] deprive the broadcaster of the right to use the national coverage multiplex – for media service providers who, after being penalized, repeatedly broadcast content qualified as disinformation" (Article 11 amending Article 84 of the Code).

It also revoked the right of the public broadcaster of the Gagauz special region in Moldova, the *Gagauziya Radio Televizionu* (GRT) Company, to use a slot in the free multiplex with national coverage. This involves a retroactive application of the law, as in 2023, the CA granted GRT this right for a period of nine years.

The amendments also redefined disinformation from "intentional dissemination of false information, created with the aim of inflicting harm on a person, a social group, an organisation or the security of the state" to "intentional dissemination, by any means, in the public space, of information whose false or misleading nature can be verified and which is likely to harm national security" (the Code includes a total ban on "disinformation and propaganda about the military aggression").

P entru modificarea Codului serviciilor media audiovizuale al Republicii Moldova nr. 174/2018, publicat în Monitorul Oficial Nr. 306-309 art. 555

https://www.legis.md/cautare/getResults?doc_id=138540&lang=ro

Statute No. 248 of 31 July 2023 on the amendments to the Audiovisual Media Services Code of the Republic of Moldova No. 174/2018, published in Monitorul Oficial No. 306-309 Article 555

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Opinion on Amendments to the Audiovisual Media Services Code and to Some Normative Acts Including the Ban on Symbols Associated with and Used in Military Aggression Actions, Adopted by the Venice Commission at its 132nd Plenary Session (Venice, 21-22 October 2022), paragraphs 82, 103

https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)026-e

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