



# Questionnaire

## Part II

**Information provided by the Government of the Republic of Moldova  
to the Questionnaire of the European Commission**

### **CHAPTER 10: INFORMATION SOCIETY AND MEDIA**

May 2022

The *acquis* includes specific rules on electronic communications, on information society services (in particular electronic signatures, electronic commerce and conditional access services), and on audio-visual media services.

In the **field of electronic communications**, the *acquis* aims to eliminate obstacles to the effective operation of the internal market in telecommunications services and networks, to promote competition and to safeguard consumer interests in the sector, including universal availability of basic modern services. The Association Agreement provides for cooperation between EU and Moldova in the area of electronic communications infrastructure and associated services, including **information society** development. The objective as stated in the relevant provision on information society is to achieve ultimate alignment with the European Union *acquis* as from the entry into force of that agreement.

As regards **audio-visual policy**, the *acquis* aims to establish a transparent, predictable and effective regulatory framework for audiovisual media services in line with European Standards. It entails the legislative alignment with the Audiovisual Media Services Directive, which creates the conditions for the free circulation of audiovisual media services on the basis of the country-of-origin principle, but also provides for minimum standards on the protection of minors and consumers, measures to safeguard media pluralism and to combat racial and religious hatred, and a reference to cooperation between independent regulatory bodies. The *acquis* further entails EU recommendations on protecting children/minors online and the European film heritage. The MEDIA 2007 programme aims at strengthening the competitiveness of European audiovisual enterprises. Since 2015 Moldova already participates in the European Union support mechanisms (MEDIA programmes).

The Association Agreement already lays down specific obligations in this area. When answering the questions below, please make reference to the state of implementation of such obligations.

## ***I. ELECTRONIC COMMUNICATIONS AND INFORMATION TECHNOLOGIES***

### **A. Basic data**

#### **1. Please provide basic data on the state of the electronic communications services market.**

The following table presents the basic data on the state of the electronic communications services market:

	Number	Penetration	Number	Penetration	Number	Penetration	Number	Penetration
<i>Fixed telephone subscriptions</i>	1 108 200	40,6%	1 071 514	40,0%	1 027 689	38,9%	1 000 228	38,5%
<i>Mobile telephone users</i>	4 446 511	162,9%	4 438 431	165,5%	4 108 207	155,6%	4 706 062	181,2%
<i>Broadband Internet - subscriptions</i>	623 135	22,8%	670 530	25,0%	719 001	27,2%	762 333	29,4%
<i>Cable distribution</i>	329 674	12,07%	335 436	12,51%	360 932	13,67%	730 648	28,1%

#### **2. Please describe the Information and Communication Technologies (ICT) market (basic data).**

Moldova's ICT industry has been experiencing a dynamic growth, thanks to high market demand, competition and consolidated effort. It annually generates about 7% of the country's GDP, approaching a total value of revenues of about MDL 15 billion or USD 900 million. About 5 years ago, the electronic communications market in Moldova has experienced a period of agile competition and growth, positioning the country in top destinations with high-speed Internet, accessibility, and recently – with availability of Gigabit Internet. But during the 2015-2020, the engine of the ICT industry growth in Moldova became the IT sector, which increased fourfold, outpacing the telecoms. A dedicated policy and legislative framework for the Information Technology and Digital Industries has played a central role in its outstanding and dynamic evolution.

Comparing the GDP share of the IT sector in 2020 of about 3.6% with the 0.8% in 2013, when the IT sector was only declared as a policy priority, the dynamic is remarkable. The growth in the IT industry has been driven by Moldova's advantages as an outsourcing destination for the IT services, based on cost, location and skills, as well as on a facilitated fiscal and administrative regime for the Virtual Moldova IT Park residents.

The number of ICT companies has exceeded two thousand, while the number of employees reached 24 thousand, registering about 140% growth for both indicators. The contribution to National GDP of those 24 thousand ICT professionals, which constitute 1% of total population, is 7.45%, revealing the highest level of productivity in the industry per national economy. From another perspective, this is about 2% of the available labor force in the country of about 900 thousand, which is more than two times lower than the EU average of 4.2% of ICT professionals.

The volume of the ICT industry exports doubled in 5 years, from 2.8 billion to 7.3 billion MDL, when this evolution is attributed particularly to the IT share of export, which increased from MDL 1 billion to 6.4 billion – 460%.

The main engine of IT industry is „Moldova IT Park” – a virtual park which aims to improve competitiveness of national IT sector by providing a comprehensive organizational platform, a single tax of 7% on the sales revenue for all its residents, extended list of eligible IT and related activities, simplified interaction with public authorities and “IT Visa” mechanism for attracting foreign employees. In 4 years of activity, it comprises almost 1055 active residents, with more than 15.200 employees and a forecasted revenue for 2022 of 370 mil Euro, making it one of the most successful IT sector support initiative in Moldova.

According to Speedtest Global Index, which provides a monthly comparison of Internet speed data for a benchmark of 100 countries around the world, the Republic of Moldova is ranked 58th in terms of mobile broadband speed, with the download speed of 38 Mbps compared to the global average of 48 Mbps, and ranked 38th in terms of fixed broadband speed, with the download speed of 106 Mbps – higher than the global average of 98 Mbps. Moldova is among top ten countries in the world in terms of accessibility and affordability of Gigabit Internet access, where the users have access to unlimited Gigabit Internet for about 15 Euros per month.

UN DESA e-Government Index attests considerable access to the internet and IT devices in the Republic of Moldova, but the existing telecommunications infrastructure deployment in the country is below the Eastern Europe subregion average, meaning that further effort in this regard is needed to keep the country competitive.

Market demand and available content is the key element in the process of network development. So far, the capacities of 4G and terrestrial fiber networks are not fully used. Access to mobile Internet networks in 4G is accessible on 98% of the territory, as well as the points of presence of fiber optic backbone network (PoP) is at the same level, leaving to the potential beneficiaries to choose/request.

Statistical data show that in 2021 the total volume of revenues in the electronic communications sector, after a five-year recession, for the first time increased by 2.9% and exceeded EUR 305.97 million. This trend took shape having as background the growing markets for mobile broadband access, fixed broadband

access and audiovisual programs broadcasting. However, the decrease of revenues from fixed voice services was by 12%, and of mobile voice - by 0.9%.

According to the statistical data for 2021, the total volume of investments in the electronic communications sector increased by 19.3%, compared to 2020, and was estimated at EUR 56.28 million. In terms of the share of investments, the values of this indicator on the segments of mobile and fixed electronic communications networks, in 2021, represented 35.3% and 43.7%, accordingly. The share of this indicator on the audiovisual program broadcasting reached the value of about 21%.

Details about the electronic communications market in the Republic of Moldova can be found in the document Statistical Yearbook, published on the official ANRCETI page: <https://www.anrceti.md/fileupload/66>.

## **B. Legislative and institutional framework**

### **3. Please describe the legislative framework of the sector, with reference to primary and secondary legislation.**

In Moldova, *the primary legislation relating to electronic communications* is the Law on electronic communications no. 241/2007<sup>1</sup>, which regulates the activity in the field of civil electronic communications of all providers of electronic communications networks and/or services, regardless of their type of ownership, and defines the users' rights and obligations throughout the territory of the Republic of Moldova. The scope of the law does not extend to special communication networks, as their creation and operation is regulated by the Government. Consequently, the law does not regulate the content of information transmitted through electronic communications networks, except for the information that identifies the end user.

It is worth mentioning that the Law on electronic communications transposes the following:

- Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive), published in the Official Journal of the European Union L 108 of 24 April 2002;
- Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive), published in the Official Journal of the European Union L 108 of 24 April 2002;

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<sup>1</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130825&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130825&lang=ro).

- Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), published in the Official Journal of the European Union L 108 of 24 April 2002;
- Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive), published in the Official Journal of the European Union L 108 of 24 April 2002;
- Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), published in the Official Journal of the European Union L 201 of 31 July 2002;
- Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services, published in the Official Journal of the European Union L 249 of 17 September 2002;
- Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No.2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws, published in the Official Journal of the European Union L 337 of 18 December 2009;
- Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services, published in the Official Journal of the European Union L 337 of 18 December 2009;
- Articles 2–5 of the Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and retail charges for regulated intra-EU communications and amending Directive 2002/22/EC and Regulation (EU) No.531/2012, published in the Official Journal of the European Union L 310 of 26 November 2015, as last amended by Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018.

Another important normative act is the Law no. 28/2016 on property access and shared use of infrastructure associated with public electronic communications networks<sup>2</sup>. This Law establishes the rules and conditions under which it is carried out the a) access to public or private property in order to build (install), maintain, dismantle, replace, transfer or retrofit public electronic communications networks or infrastructure elements necessary to support them; b) shared use of physical infrastructure elements located on, above, in or under public or private property, which may be used for the installation of public electronic communications networks; c) shared use of infrastructure elements associated with public electronic communications networks for the installation, maintenance, dismantling, replacement, transfer or retrofitting of public electronic communications networks and the provision of electronic communications services to end-users; d) authorising the construction (installation), dismantling, replacement, transfer or retrofitting of public electronic communications networks and infrastructure elements associated with such networks.

The action of this law does not extend to special electronic communications networks, telecommunications system of public administration authorities and infrastructure associated with these networks. This law is applied to all providers of public electronic communications networks authorized under the law, regardless of their position on the market, and is without prejudice to ex-ante measures (special preventive obligations) that may be imposed under provision of the Electronic communications Law no. 241/2007.

The Law no. 28/2016 transposed into national legislation:

- some provision of the Directive no 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) as amended by Directive No 2009/140/EC of the European Parliament and of the Council of 25 November 2009;
- some provision of the 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks.

Needs to be mentioned the Law on the organization and functioning of the Single National Service for Emergency Calls 112 no. 174/2014<sup>3</sup>. The purpose of this Law is to organize a single national service for emergency calls, which ensures the taking, processing and transmission of data associated with them to specialized emergency services, in order to guarantee an increased level of safety and protection of the person and property, through the efficient use of the capabilities of the modern electronic communications infrastructure. This Law regulates the

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<sup>2</sup> [https://www.legis.md/cautare/getResults?doc\\_id=106023&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=106023&lang=ro#)

<sup>3</sup> [https://www.legis.md/cautare/getResults?doc\\_id=115204&lang=ro](https://www.legis.md/cautare/getResults?doc_id=115204&lang=ro)

organization and operation of the single national service for emergency calls 112 (hereinafter – Service 112).

The Law no. 174/2014 transposed into national legislation some provision of the Directive no 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive), as amended by Directive No 2009/136/EC of the European Parliament and of the Council of 25 November 2009.

Some of the main normative acts, which constitute the secondary legislation relating to electronic communications, adopted by the Government to organise the enforcement of the Law on electronic communications no. 241/2007, are:

- Government Decision no. 974/2008 on the approval of the Regulation on installing, operating, administering, maintaining and/or liquidating networks of electronic communications at the state border of the Republic of Moldova<sup>4</sup>;
- Government Decision no. 34/2019 on the approval of the technical Regulation „Making radio equipment available on the market”<sup>5</sup>;
- Government Decision no. 987/2020 on the approval of the Radio frequency management programme for 2021-2025 and the minimum exposure values for generic frequency blocks for allocation through the competitive selection procedure<sup>6</sup>.

*The secondary legislation in the field of electronic communications sector is composed also of the following normative acts:*

- Government Decision no. 544/97 on the approval of the composition of the State Commission on Radio Frequencies of the Republic of Moldova and the Regulation of the State Commission on Radio frequencies of the Republic of Moldova<sup>7</sup>.
- Government Decision no. 284/2009 for the approval of the rules on the protection of electronic communications networks and the execution of works in the protection zones and on the routes of electronic communications lines.<sup>8</sup>
- Government Decision no. 643/2019 for the approval of the Regulation on the organization and functioning of the National Regulatory Agency for Electronic Communications and Information Technology<sup>9</sup>.

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<sup>4</sup> [https://www.legis.md/cautare/getResults?doc\\_id=111890&lang=ro](https://www.legis.md/cautare/getResults?doc_id=111890&lang=ro)

<sup>5</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130653&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130653&lang=ro)

<sup>6</sup> [https://www.legis.md/cautare/getResults?doc\\_id=125169&lang=ro](https://www.legis.md/cautare/getResults?doc_id=125169&lang=ro)

<sup>7</sup> [https://www.legis.md/cautare/getResults?doc\\_id=110121&lang=ro](https://www.legis.md/cautare/getResults?doc_id=110121&lang=ro)

<sup>8</sup> [https://www.legis.md/cautare/getResults?doc\\_id=96197&lang=ro](https://www.legis.md/cautare/getResults?doc_id=96197&lang=ro)

<sup>9</sup> [https://www.legis.md/cautare/getResults?doc\\_id=125209&lang=ro](https://www.legis.md/cautare/getResults?doc_id=125209&lang=ro)



- Governmental Decision no. 951/2020 on the approval of the Methodology for calculating tariffs and the nomenclature of services provided by the Public Institution "National Service for Radio Frequency Management" and the amount of tariffs for them.<sup>10</sup>

Primary legislation in the IT and related fields is represented by several laws.

Thus, the main rules and conditions of activity in the field of IT in the Republic of Moldova, the rights and obligations of the state, legal entities and individuals in process of creation, administration, use and maintenance of information systems, principles and measures to ensure freedom and data protection in information systems, the right of access to information services are set by the Law no. 1069/2000 on informatics<sup>11</sup>.

Basic rules and conditions for the operation in the field of creation and development of national information infrastructure as a functioning environment of the information society in the Republic of Moldova, legal relations that appear in the process of creation, training and use of state automated information resources, technologies, systems and information networks are regulated by the Law no. 467/2003 on informatisation and state information resources<sup>12</sup>. This law does not cover the relations that appear on the creation and operation of mass media, non-state information resources, the processing of undocumented information.

The manner of establishing, registering, maintaining, reorganizing and liquidating registers (all documented information kept in information systems), the legal relationships that appear in the process of establishing, registering, keeping, reorganizing and liquidating registers, the system of state registers and the general principles of interaction of state registers, the conditions for keeping state and private registers, as well as the requirements for them are regulated by the Law no. 71/2007 on registers<sup>13</sup>. The law in question extends to all types of registers, regardless of the form of ownership and the way they are kept.

Another major law relating to information technology is the Law no. 142/2018 on data exchange and interoperability<sup>14</sup>. The law aims to facilitate and streamline the exchange of data and interoperability within the public sector, as well as between the public and private sectors, in order to increase the quality of the provided public services, create new electronic public services and ensure information security. The law regulates the relations that appear in the process of data exchange between public authorities and institutions (public participants in data exchange), which hold state information systems, as well as between private law legal entities that, on behalf of public authorities and institutions, manage or hold state information

<sup>10</sup> [https://www.legis.md/cautare/getResults?doc\\_id=125167&lang=ro](https://www.legis.md/cautare/getResults?doc_id=125167&lang=ro)

<sup>11</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129080&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129080&lang=ro).

<sup>12</sup> [https://www.legis.md/cautare/getResults?doc\\_id=122810&lang=ro](https://www.legis.md/cautare/getResults?doc_id=122810&lang=ro).

<sup>13</sup> [https://www.legis.md/cautare/getResults?doc\\_id=122742&lang=ro](https://www.legis.md/cautare/getResults?doc_id=122742&lang=ro).

<sup>14</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129134&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129134&lang=ro).

systems. The law also regulates the relationships that occur in the process of data exchange between information systems owned by public authorities and institutions, on the one hand, and, on the other hand, information systems owned by private legal entities and individuals, the latter in the extent to which intends to voluntarily participate in the exchange of data. The law on data exchange and interoperability stipulates that if the international treaties to which the Republic of Moldova is a party establish other rules than those provided by this law, the rules of international treaties shall apply. At the same time, according to the law, in case of exchange of data attributed to state secret, bank secret or other data with special legal regime, the special legislation in force applies.

By the Law on data exchange and interoperability, an interoperability platform - an information system designed to ensure the exchange of data between the information systems owned by the participants in the data exchange was instituted by the Government.

As to cross-border cooperation by connecting to the interoperability platform, the Law on data exchange and interoperability stipulates that the connection to the interoperability platform of participants holding information systems of other states takes place under international treaties and under the legislation of the Republic of Moldova on the protection of personal data, as well as the legislation applicable to data with special legal status.

In order to create the necessary framework for the application of Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures, published in the Official Journal of the European Communities no. L13 of 19 January 2000, the Law no. 91/2014 on electronic signature and electronic document was adopted<sup>15</sup>. This law sets the legal regime of electronic signature and electronic document, including the main requirements for their validity and the main requirements for certification services, and does not limit the use of documents. The law provides that the recognition of electronic signature and electronic document outside the Republic of Moldova is regulated by the international treaties to which the Republic of Moldova is a party, and if the international treaties to which the Republic of Moldova is a party establish other rules than those provided by this law, the rules of international treaties apply.

At the same time, it is important to mention that in order to fulfil the commitments undertaken by the Republic of Moldova under the Association Agreement with the European Union and the European Atomic Energy Community and their Member States, ratified by the Parliament of the Republic of Moldova by the Law no. 112/2014<sup>16</sup>, the *Intelligence and Security Service*, as the competent body responsible for the drafting and promotion of the state policy in the field of application of all types of electronic signatures and the exercise of control in this field, worked on the draft law on electronic identification and trust services. The

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<sup>15</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129127&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129127&lang=ro).

<sup>16</sup> [https://www.legis.md/cautare/getResults?doc\\_id=83489&lang=ro](https://www.legis.md/cautare/getResults?doc_id=83489&lang=ro).

draft law aims to harmonize the national legislation with the Regulation (EU) no. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC. The draft law was approved at the Government meeting on 03/03/2022 and is in the parliamentary procedure.

In order to ensure the protection of the fundamental rights and freedoms of individuals regarding the processing of personal data, in particular the right to inviolability of privacy, family and private life, and the creation of the legal framework for the enforcement of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, the Law no. 133/2011 on the protection of personal data was adopted<sup>17</sup>. The law in question governs the legal relationships that appear in the process of processing personal data, which are part of a system of records or which are to be included in such a system, carried out in whole or in part by automated and non-automated means.

In order to create the necessary preconditions to streamline the development of the IT industry, IT-based research and innovation in various fields, teaching IT, as well as the creation of high value-added jobs and attracting domestic and foreign investment, the Law no. 77/2016 on IT Parks was adopted<sup>18</sup>, which regulates the establishment and operation of IT Parks. The purpose of this law is to create the necessary premises to drive the development of the information technology industry, research and innovation, based on information technology in various fields, teaching activities in the field of information technology, and the creation of high value-added jobs and attracting local and foreign investment. The key element of the law is the implementation of the innovative tax model by applying a 7% flat tax to park resident's turnover, with simple and clear management mechanisms.

In order to organize the enforcement of this law, the Government approved the Government Decision no. 1143/2017 for the approval of the Regulation on the evaluation of the activity of the IT Park<sup>19</sup> and the Government Decision no. 1144/2017 on the creation of the "Moldova IT Park"<sup>20</sup>.

In order to prevent and fight cybercrime and to establish the framework for mutual assistance in preventing and fighting cybercrime, to protect and provide assistance to service providers and users of information systems, the Law no. 20/2009 on preventing and combating cybercrime<sup>21</sup> was adopted.

In the light of the primary legislation and to organise its enforcement, the Government adopted several normative acts. Some of the main normative acts,

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<sup>17</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129123&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129123&lang=ro)

<sup>18</sup> [https://www.legis.md/cautare/getResults?doc\\_id=122877&lang=ro](https://www.legis.md/cautare/getResults?doc_id=122877&lang=ro)

<sup>19</sup> [https://www.legis.md/cautare/getResults?doc\\_id=111878&lang=ro](https://www.legis.md/cautare/getResults?doc_id=111878&lang=ro)

<sup>20</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128139&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128139&lang=ro)

<sup>21</sup> [https://www.legis.md/cautare/getResults?doc\\_id=124978&lang=ro](https://www.legis.md/cautare/getResults?doc_id=124978&lang=ro)

which constitute the secondary legislation of the IT sector, especially in the public sector, are:

- Government Decision no. 562/2006 on the creation of state automated information systems and resources<sup>22</sup>;
- Government Decision no. 1123/2010 on the approval of Requirements for ensuring personal data security upon their processing within personal data information systems<sup>23</sup>;
- Government Decision no. 201/2017 on the approval of Minimum compulsory requirements of cyber security<sup>24</sup>;
- Government Decision no. 1140/2017 for the approval of the Regulation on the activity of certification service providers in the field of application of the electronic signature<sup>25</sup>;
- Government Decision no. 1141/2017 for the approval of the Regulation on the procedure of application of the electronic signature on electronic documents during their electronic circulation by civil servants of the public law legal entities<sup>26</sup>;
- Government Decision no. 414/2018 on measures to strengthen the data centres in the public sector and streamlining the administration of state information systems<sup>27</sup>;
- Government Decision no. 544/2019 on some measures for organising the procurement process in ICT<sup>28</sup>;
- Government Decision no. 128/2014 on the governmental common technology platform (MCloud)<sup>29</sup>.

Secondary legislation relating to the regulation of IT in the public sector is supplemented by Government decisions regulating the use of shared information systems in the public sector (reusable information systems, established by the Government, which provide generic functionalities for other state information systems):

- Government Decision no. 211/2019 on the interoperability platform (MConnect)<sup>30</sup>;
- Government Decision no. 1090/2013 on the governmental electronic authentication and access control (MPass)<sup>31</sup>;

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<sup>22</sup> [https://www.legis.md/cautare/getResults?doc\\_id=114036&lang=ro](https://www.legis.md/cautare/getResults?doc_id=114036&lang=ro)

<sup>23</sup> [https://www.legis.md/cautare/getResults?doc\\_id=16012&lang=ro](https://www.legis.md/cautare/getResults?doc_id=16012&lang=ro)

<sup>24</sup> [https://www.legis.md/cautare/getResults?doc\\_id=98644&lang=ro](https://www.legis.md/cautare/getResults?doc_id=98644&lang=ro)

<sup>25</sup> [https://www.legis.md/cautare/getResults?doc\\_id=102489&lang=ro](https://www.legis.md/cautare/getResults?doc_id=102489&lang=ro)

<sup>26</sup> [https://www.legis.md/cautare/getResults?doc\\_id=102490&lang=ro](https://www.legis.md/cautare/getResults?doc_id=102490&lang=ro)

<sup>27</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128904&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128904&lang=ro)

<sup>28</sup> [https://www.legis.md/cautare/getResults?doc\\_id=118946&lang=ro](https://www.legis.md/cautare/getResults?doc_id=118946&lang=ro)

<sup>29</sup> [https://www.legis.md/cautare/getResults?doc\\_id=126457&lang=ro](https://www.legis.md/cautare/getResults?doc_id=126457&lang=ro)

<sup>30</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128349&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128349&lang=ro)

<sup>31</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128353&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128353&lang=ro)

- Government Decision no. 405/2014 on the governmental integrated electronic signature service (MSign)<sup>32</sup>;
- Government Decision no. 708/2014 on the governmental electronic logging service (MLog)<sup>33</sup>;
- Government Decision no. 376/2020 for the approval of the Concept of the governmental electronic notification service (MNotify) and the Regulation on the functioning and use of the governmental electronic notification service (MNotify)<sup>34</sup>;
- Government Decision no. 712/2020 on the governmental electronic payment service (MPay)<sup>35</sup>;
- Government Decision no. 180/2022 for the approval of the Regulation on the functioning and use of the governmental delivery service (MDelivery)<sup>36</sup>;
- Government Decision no. 375/2020 for the approval of the Concept of the automated information system „Registry of authorisations based on electronic signatures (MPower) and the Regulation on keeping the Registry of authorisations based on electronic signature<sup>37</sup>;
- Government Decision no. 657/2012 for the approval of the Regulation on the administration of the content of the unified governmental portal of public services and integration of electronic public services in the portal and completion of a Government decision<sup>38</sup>;
- Government Decision no. 717/2014 on the governmental platform of registries and permits (PGRAP)<sup>39</sup>;
- Government Decision no. 413/2020 for the approval of the Regulation on the use, administration and development of the Governmental portal of the citizen<sup>40</sup>;
- Government Decision no. 412/2020 for the approval of the Regulation on the use, administration and development of the Governmental portal of the businessperson<sup>41</sup>;
- Government Decision no. 411/2020 for the approval of the Concept of the information system „Governmental e-Learning platform” and the Regulation on its use and administration<sup>42</sup>;
- Government Decision no. 152/2021 for the approval of the Concept of the governmental delivery service (MDelivery)<sup>43</sup>.

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<sup>32</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128352&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128352&lang=ro)

<sup>33</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128351&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128351&lang=ro)

<sup>34</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128348&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128348&lang=ro)

<sup>35</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128344&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128344&lang=ro)

<sup>36</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130583&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130583&lang=ro)

<sup>37</sup> [https://www.legis.md/cautare/getResults?doc\\_id=121919&lang=ro](https://www.legis.md/cautare/getResults?doc_id=121919&lang=ro)

<sup>38</sup> [https://www.legis.md/cautare/getResults?doc\\_id=103192&lang=ro](https://www.legis.md/cautare/getResults?doc_id=103192&lang=ro)

<sup>39</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128350&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128350&lang=ro)

<sup>40</sup> [https://www.legis.md/cautare/getResults?doc\\_id=122030&lang=ro](https://www.legis.md/cautare/getResults?doc_id=122030&lang=ro)

<sup>41</sup> [https://www.legis.md/cautare/getResults?doc\\_id=122027&lang=ro](https://www.legis.md/cautare/getResults?doc_id=122027&lang=ro)

<sup>42</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128346&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128346&lang=ro)

<sup>43</sup> [https://www.legis.md/cautare/getResults?doc\\_id=127710&lang=ro](https://www.legis.md/cautare/getResults?doc_id=127710&lang=ro)

## Primary and secondary legislation in the field of cyber security

- Parliament Decision no. 257/2018 on Information Security Strategy of the Republic of Moldova for the years 2019-2024 and the Actions Plan for its implementation<sup>44</sup>.
- Government Decision no. 735/2002 on special telecommunication systems of the Republic of Moldova<sup>45</sup>.
- Government Decision no. 1487/2003 on special measures applied for the implementation of Government Decision no. 735/2002<sup>46</sup>.
- Government Decision no. 840/2004 on the creation of the Telecommunications system of public administration authorities<sup>47</sup>.
- Government Decision no. 546/2011 on the approval of Regulation on the telecommunications system of the public administration authorities services supply and operation of amendments to some government decisions<sup>48</sup>.
- Government Decision no. 188/2012 on the official pages of public administration authorities on the Internet<sup>49</sup>.
- Government Decision no. 822/2012 on the email system of the public administration authorities<sup>50</sup>.
- Government Decision no. 1140/2017 on Regulation of the certification services providers activity in the field of electronic signature application<sup>51</sup>.
- Government Decision no. 201/2017 on mandatory minimum cyber security requirements<sup>52</sup>.
- Government Decision no. 482/2020 on the approval of necessary measures on ensuring cyber security on the governmental level and amending Government Decision no. 414/2018 on measures to consolidate data centers in the public sector and to rationalize the administration of state information system<sup>53</sup>.

## **4. Please describe the institutional framework of the sector, with reference to government bodies, the role of the parliament and the role of representative organisations of public and private sector players and of consumers.**

The institutional framework in the field is composed of the following bodies:

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<sup>44</sup> [https://www.legis.md/cautare/getResults?doc\\_id=111979&lang=ro](https://www.legis.md/cautare/getResults?doc_id=111979&lang=ro)

<sup>45</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129284&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129284&lang=ro)

<sup>46</sup> [https://www.legis.md/cautare/getResults?doc\\_id=31392&lang=ro](https://www.legis.md/cautare/getResults?doc_id=31392&lang=ro)

<sup>47</sup> [https://www.legis.md/cautare/getResults?doc\\_id=113814&lang=ro](https://www.legis.md/cautare/getResults?doc_id=113814&lang=ro)

<sup>48</sup> [https://www.legis.md/cautare/getResults?doc\\_id=124091&lang=ro](https://www.legis.md/cautare/getResults?doc_id=124091&lang=ro)

<sup>49</sup> [https://www.legis.md/cautare/getResults?doc\\_id=103186&lang=ro](https://www.legis.md/cautare/getResults?doc_id=103186&lang=ro)

<sup>50</sup> [https://www.legis.md/cautare/getResults?doc\\_id=113816&lang=ro](https://www.legis.md/cautare/getResults?doc_id=113816&lang=ro)

<sup>51</sup> [https://www.legis.md/cautare/getResults?doc\\_id=102489&lang=ro](https://www.legis.md/cautare/getResults?doc_id=102489&lang=ro)

<sup>52</sup> [https://www.legis.md/cautare/getResults?doc\\_id=98644&lang=ro](https://www.legis.md/cautare/getResults?doc_id=98644&lang=ro)

<sup>53</sup> [https://www.legis.md/cautare/getResults?doc\\_id=122272&lang=ro](https://www.legis.md/cautare/getResults?doc_id=122272&lang=ro)

*The Parliament of the Republic of Moldova.* The Parliament is the main legislative body in the country and adopts primary legislation in the area of electronic communications and information technology.

*The Government of the Republic of Moldova.* The main role is to approve policy documents and regulations in the area of informatisation, state information systems and resources; define the powers of public authorities and institutions in the area of development, maintenance, management and advancement of state information systems and resources; approve the development of concepts of state information systems and information resources; approve the rules and mode for hosting state information systems.

*Ministry of Economy.* According to Government Decision no. 143/2021 on the organization and operation of the Ministry of Economy, the Ministry of Economy is the central specialized body of the public administration, which ensures the realization of the governmental policy in the field of information technology and digital economy. The Ministry's mission is to analyze the situation and problems in the area of IT and digital economy, to develop effective public policies, to monitor the quality of policies and normative acts and to propose justified state interventions in order to provide efficient solutions in this field.

*Ministry of Infrastructure and Regional Development.* The Ministry is the central specialized body of the public administration, which ensures the realization of the governmental policy in the field of communications infrastructure. The Ministry's mission is to analyze the situation and problems in the area of communications infrastructure, to develop effective public policies, to monitor the quality of policies and normative acts and to propose justified state interventions in order to provide efficient solutions in this field. MIRD also coordinates the development of the National Table of Frequency Band and supervises the public institution National Service for Radio Frequency Management (SNMFR), which undertakes technical management of spectrum and certification of radio emitting devices.

*Security and Intelligence Service* is a public authority under parliamentary control. It is responsible for developing and promoting the state policy in the area of application of all types of electronic signatures and exercises control in this area. It also performs activities to prevent and fight cybercrime that represents a threat to the national security, operative investigation activities, identifies connections to international criminal organisations, and other activities within the limits of its competence.

*National Regulatory Agency for Electronic Communications and Information Technology (ANRCETI).* The agency is independent from electronic communications network and/or service providers, from electronic communications equipment manufacturers, as well as from the Government. It acts according to the Law no. 241/2007. It is responsible for regulating the market of electronic communications and information technology services. ANRCETI is the national regulatory authority that regulates activities in electronic

communications, information technology and postal communication, ensures the implementation of sectors strategies, and supervises the compliance of electronic communications and postal service providers with the legislation governing these sectors. ANRCETI also aims to protect the legitimate interests and rights of end users of electronic communications and postal services, to promote competition in these markets, ensure efficient use of limited resources, encourage efficient investment in infrastructure and innovation. ANRCETI is a legal entity with an autonomous budget, being independent of the providers of networks and/or services, manufacturers of electronic communications equipment, as well as the Government (with several exception specified in the Law no. 241/2007). The regulatory authority establishes the amount of regulatory and monitoring payments for the following year according to the provisions of the Law no. 241/2007. The amount is set at up to 0.3% of the of the estimated volume of income of each provider of networks and/or services.

*Public Institution 'National Service for the Radio Frequencies Management' (SNMFR).* Acts according to the Government Decision no. 644/2019 on the organization and functioning of the Public Institution 'National Service for the Radio Frequencies Management). According to the GD, the service is a self-governing public institution responsible for keeping track of radio stations, channels and radio frequencies for the efficient use of radio spectrum and ensuring electromagnetic compatibility, for assessing the conformity of products in the fields of electronic communications and information technology, and for measuring and evaluating the quality of electronic communications services provided through radio networks and stations. Thus, the activity areas of the service are: 1) ensuring the technical management of the radio frequency spectrum for non-governmental use; 2) conformity assessment of products in the fields of electronic communications and information technology. According to the Electronic communications Law no. 241/2007, in order to ensure an efficient use of the radio frequency spectrum and to ensure the electromagnetic compatibility of radiocommunication stations, as well as to monitor the quality of electronic communications services provided through radiocommunication networks and stations, SNMFR keeps appropriate technical information regarding on radiocommunication stations, channels and radio frequencies and provides services accordingly.

*Agency for Consumer Protection and Market Surveillance.* This is a national consumer protection authority, supervised by ME. As ANRCETI is entitled to consumer protection in the field of ICT and postal services, collaboration between the authorities is mainly limited to the exchange of information, readdressing cases received (ANRCETI takes several actions in consumer protection, including solving users' complaints). The main aim of the national consumer protection authority is to streamline the state's activity in consumer protection by monitoring the market, informing and educating consumers, strengthening decision-making capacity, and boosting the capacity of individual and associative consumer self-protection. ANRCETI also collaborates with organizations that represent the interests of users and provides information regarding the activity of electronic



communications providers to user protection organizations and users, except where the information is confidential.

*Public Institution „Electronic Governance Agency” (EGA)* is the main body responsible for bringing leading technologies into the Government, rethinking processes, improving public services, and making them work for the benefit of the citizens. According to its Statute the main fields of activity are: developing and continuous improvement of a resilient E-Governance infrastructure; using ICT and innovation for modernization of public services; implementation of national interoperability framework; digital transformation of public administration; coordination of rational and intelligent IT investments within the Government; ensuring the consistency and compliance of information systems within the public sector; digital literacy. EGA works to create new activity models, by developing the required framework (legal, organizational and infrastructure) to boost innovation uptake, use of digital tools by the public administrations, businesses, thus creating opportunities to operate better.

*Public Institution “Information Technology and Cyber Security Service” (ITSec)* is a public institution established by the Government of the Republic of Moldova being in charge of administration, maintenance and development the information technology infrastructure, the telecommunication system of the public administration authorities, as a part of the special communications network and state information systems, management of the unique public key infrastructure (PKI) of the Government and implementation of the information technologies in the public sector. The ITSec’s main areas of competence are as following: management of the information technology infrastructure and the telecommunications system of the public administration authorities as part of the special communications network; technical administration and maintenance of state information systems; cyber security; management of the unique public key infrastructure (PKI) of the Government; implementation of information technologies in the public sector; National Registrar of the .md Top-Level Domain.

*Public Institution Public Services Agency.* According to the Law no 467/2003 on informatisation, fulfils the duties of core information resources holder on behalf of the Government: State Register of Population, State Register of Legal Entities, State Land Register, State Register of Vehicles, State Register of Drivers. In the same time, the Agency is the main public service provider, ensuring the provision of almost 80% of public services.

*National Centre for Personal Data Protection (NCPDP)* is a public authority under parliamentary control and is the national authority for data protection. It is independent of other public authorities, natural persons and legal entities, the purpose of which is to protect the fundamental rights and freedoms of natural persons, especially the right for private life regarding the processing and cross-border transfer of personal data. The main objectives of the NCPDP are to defend the fundamental rights and freedoms of natural persons, especially the right for private life regarding the processing and cross-border transfer of personal data,

organizing actions to prevent violations of the legislation in the field, including the rights of data subjects, guiding the data controllers in the context of the correct application of the legislation in the field and informing, raising awareness and educating the society on the importance of personal data protection etc.

*Ministry of Internal Affairs.* Carries out special investigation measures, criminal prosecution, international cooperation, identification of persons who commit cybercrimes.

*General Prosecutor's Office.* Coordinates, conducts and exercises criminal prosecution. Upon the request of the law enforcement authority or ex officio, and as part of criminal prosecution, orders immediate preservation of IT data or information traffic data in case of threat of data destruction and alteration, in line with the criminal procedure legislation. Represents the state in the court.

*Moldovan Association of Information and Communications Technology Companies (ATIC).* Established in 2006, ATIC is the action leading association and the voice of the Moldovan ICT industry. Its mission is to promote the development of the ICT sector in the Republic of Moldova through viable partnerships between companies, similar organizations, universities, state institutions, international organizations in order to enhance the development of the sector and members capacities, enlarge the market, improve the ICT workforce capacities, protect current investments in the country and participate in the decision making and regulatory process on the national and international level.

*Moldova IT Park (MITP).* It is the main focal point of access to best services and incentives in the IT sector, which has proven its uniqueness by being a virtual structure which operates in a multistakeholder governance model. Its mission is to act as a catalyst for investment in IT sector through promoting flexible government policy, nurturing an environment conducive to ICT innovation and digitally transformed economy through a strong IT sector that can unlock opportunities. Acting as a facilitating cluster, the MITP provides organizational platform with a set of innovative tools and new approaches to accelerate, in a coordinated manner, the transformation of economy, streamlining corporate innovation practices, boosting the growth of the IT industry, supporting partnerships, creating new jobs and attracting local and foreign investment. In its role, the MITP is administered by the administrative authority –Administration of the information technology park ‘Moldova IT Park’. The mission of the Administration is to ensure the implementation of state policies in the field of information technology industry through the efficient management of the park.

## **5. What are the legislative and regulatory provisions to ensure fair trading and consumer protection in the sector?**

Norms regarding the protection of the rights of end users of electronic communications services are contained in the Law on Electronic Communications no. 241/2007. Thus, art.8 establishes that by means of its regulations, ANRCETI:

- promotes competition in the provision of networks, associated infrastructure and electronic communications services;
- contributes to the development of the internal electronic communications market;
- promotes the interests of end users.

The Agency promotes the interests of end-users by:

- increasing the level of protection of end-users in their relations with providers, in particular by ensuring the existence of a dispute settlement procedure by a body independent of the parties in the dispute;
- contributing to raising the level of personal data protection;
- providing clear information, in particular by imposing the transparency of tariffs and conditions for the use of publicly available electronic communications services;
- focusing efforts on meeting the needs of the socially vulnerable population, especially people with disabilities;
- maintaining the security and integrity of the public electronic communications networks by the providers;
- guaranteeing the access of all end-users from the territory of the Republic of Moldova to the universal service.

Chapter VIII of the Law on Electronic Communications no. 241/2007, along with the norms for the protection of users' rights, establishes that in case of subscribing to publicly available electronic communications services and/or services consisting in providing the connection (access) to a public electronic communications network, end-users requesting this are entitled to a written contract with the provider of publicly available electronic communications services and/or connection (access), which will contain, in a clear, intelligible and easily accessible form, the essential clauses, as well as the rights and obligations of providers and users of electronic communications services.

It also provides for the Agency's rights to oblige providers to put at end-users' disposal transparent, comparable, adequate and updated information on applicable prices and tariffs, on all obligations related to the termination of a contract and information on standard conditions for accessing and using the services, regarding the other conditions for the provision of networks and services.

In addition, the general requirements for the protection of consumers and their unrestricted access to products and services, including electronic communications, as well as the protection of the legitimate rights and interests of consumers in the event of unfair commercial practices are set out in the Consumer Protection Law No. 105/2003.

ANRCETI has developed rules specific to the field in the Regulation on the Provision of publicly available electronic communications services, approved by ANRCETI Administrative Board Decision no. 48/2013.

In its activity, in order to ensure the observance of consumers' rights, the Agency is guided by the Procedure of performing administrative activity, which is regulated by the Administrative Code no. 116/2018.

## **6. What are the mechanisms for market surveillance?**

In accordance with Chapter VII of the Law on Electronic Communications no. 241/2007, based on the principles established by the competition protection legislation, ANRCETI, identifies relevant markets and performs market analysis, in order to determine whether the relevant market is sufficiently competitive and whether there is a need to impose, maintain, modify or withdraw special *ex ante* obligations.

For this purpose, ANRCETI developed and approved by Administrative Board Decision no. 55 of 29.12.2008, the Regulation on identification and analysis of relevant markets in the field of electronic communications and the designation of electronic communications networks and/or services providers with significant power in these markets.

The Regulation establishes:

- the methodology and criteria for identifying the relevant markets, whose characteristic features may justify special *ex ante* obligations to be imposed by ANRCETI on providers of electronic communications networks and/or services with significant market power (which may be subject to *ex ante* regulation);
- the relevant market both in terms of electronic communications services and in terms of geography (the geographical area in which these services are provided);
- the criteria and rules under which ANRCETI performs the analysis of the identified relevant markets, and determines whether one or more providers of electronic communications networks and/or services have significant power on a particular relevant market (determining the competitive situation on these markets and, assessing the significant power therein, in order to impose, maintain, modify or withdraw *ex ante* obligations).

Pursuant to Article 57 of the Law on Electronic Communications no. 241/2007 and having regard to European Commission Recommendation 2007/879/EC on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services, ANRCETI Administrative Board approved by Decision no. 85 of 28.04.2009 the list of relevant markets for electronic communications networks and services.

Currently, the list includes the following 6 relevant markets: access of end users, individuals and legal entities, to a fixed location in the public telephone network; termination of voice calls in own fixed voice networks; local access to fixed locations; central access to fixed locations for consumer products; termination of voice calls in own mobile voice networks and traffic transit services in public fixed telephone network.

In 2021, ANRCETI repeatedly performed the analysis of the market for traffic transit in public telephone networks. As a result, this market was identified as relevant *ex ante* regulation and JSC "Moldtelecom" was designated as having significant power on the market for traffic transit in public telephone networks, maintaining the special *ex ante* obligations imposed on the designated providers in the previous years, starting with 2011.

In 2021, ANRCETI repeatedly performed the analysis of the market of access of end users, individuals and legal entities, to a fixed location in the public telephone network, as relevant for *ex ante* regulation and designated JSC "Moldtelecom", as having significant power in this market, maintaining the special *ex ante* obligations imposed on the designated providers in the previous years, starting with 2012.

In 2020, ANRCETI repeatedly performed the analysis of the market for wholesale provision of central access services at fixed locations for consumer products, as a result of which this market was identified as relevant to *ex ante* regulation and designated JSC "Moldtelecom" as having significant power in this market, while maintaining the special *ex ante* obligations imposed on designated providers in previous years, starting with 2017.

In 2020, ANRCETI repeatedly performed the analysis of the market for wholesale provision of local access services at fixed locations, as a result of which this market was identified as relevant to the *ex ante* regulation and designated JSC "Moldtelecom", as having significant power on this market, maintaining the special *ex ante* obligations imposed on the designated providers in the previous years, starting with 2017.

In 2020, ANRCETI repeatedly performed the analysis of the voice call termination market in own mobile network, as a result of which this market was identified as relevant to *ex ante* regulation and designated 3 providers (JSC "Moldtelecom",

JSC "Orange Moldova" and JSC "Moldcell") as having significant power in this market, maintaining the special *ex ante* obligations imposed on the designated providers in previous years, starting with 2010.

In 2020, ANRCETI repeatedly performed the analysis of the market for voice call termination in own fixed voice network, as a result of which this market was identified as relevant to *ex ante* regulation and designated 23 providers as having significant power in this market, maintaining the special *ex ante* obligations imposed on the designated providers in the previous years, starting with 2009.

According to Article 61 of the Law on Electronic Communications no. 241/2007, ANRCETI performs the relevant markets analysis within 3 years after establishing a previous measure regarding those markets, in order to ascertain the existence of effective competition on these markets. As an exception, this timeframe may be extended by maximum 3 years, when ANRCETI has notified the Competition Authority of the duly motivated extension proposal and the Competition Council had no objections within one month from notification.

**7. What are the procedures for dispute resolution regarding consumer-operator disputes, operator-operator disputes and operator-regulator disputes?**

In order to ensure fair competition on the electronic communications market, in accordance with Article 9 (1), s) and t) of Law on Electronic Communications no. 241/2007, ANRCETI has responsibilities in solving disputes between providers of electronic communications networks and/or services, as well as between providers and end users, disputes resulting from the implementation of provisions of the legislation in the field of electronic communications. The settlement of disputes by ANRCETI is an alternative/optional and free of charge method of out-of-court settlement of disputes between the parties and is launched based on a complaint/request submitted to ANRCETI by the provider or end user, where the dispute cannot be resolved amiably. ANRCETI performs this activity in compliance with the provisions of the Regulation on Dispute Settlement Procedure in the field of electronic communications, approved by Administrative Board Decision no. 54/2013.

As a result of dispute examination, within the limits of its powers, the Agency takes a binding decision in order to settle the dispute. The decision constitutes an administrative act and may be challenged administratively in accordance with the law. Any obligations imposed on a party by the Agency for the settlement of a dispute must comply with the provisions of Law no. 241/2007. The decision is issued by the Agency within one month of the date of notification. This timeframe may be extended by a maximum of one month, of which the parties to the dispute are duly informed.

Within 3 days from the date the decision was adopted, the Agency sends it to the parties involved in the dispute for execution, stating the reasons on which it is based.

ANRCETI decisions are enforceable, but can be challenged in competent courts, and at the request of the affected party, the court may suspend the ANRCETI decision.

In accordance with the provisions of Article 3 (4) of the Law on Access to Property and shared use of infrastructure associated with public electronic communications networks, No. 28/2016, the Agency is empowered to settle and/or mediate, under the conditions established by this Law and Electronic Communications Law no. 241-XVI, the disputes between providers of public electronic communications networks and/or services, as well as those between providers of public electronic communications networks and/or services and persons who own or manage public or private property, including physical infrastructure, related to using the right of access to property and shared use of physical infrastructure and/or infrastructure associated with public electronic communications networks.

The decision is issued by the Agency no later than 30 calendar days from the date of referral. This timeframe may be extended by maximum one month, which is notified to the parties in dispute. The decision of the Agency is binding for the parties in dispute. Any decision issued by the Agency may be challenged in the competent court in accordance with Administrative Code no. 116/2018. The decision issued by the Agency is an enforceable document, in accordance with the law and the Enforcement Code of the Republic of Moldova no. 433 of December 24, 2004.

During 2020, ANRCETI, as a party/participant, had 9 litigations. At the same time, during the years 2019 - 2020, ANRCETI decisions, which imposed obligations to establish and publish the conditions of access, were challenged in eight cases and were filed to the courts for administrative contentious procedure, based on the actions promoted by property owners, which in turn were all rejected as inadmissible or unfounded.

Detailed information on procedure, categories of disputes subject to examination and settlement by ANRCETI, as well as the decisions adopted in this regard, are published on the website [www.anrceti.md](http://www.anrceti.md), section "Access to property", sub-section "Litigation Settlement".

In 2021, ANRCETI decisions, issued in order to oblige the holders to make their access conditions transparent, were the subject of five administrative litigation actions, of which: three ended up with the issuance of court documents, which rejected the claims of the holders as being unfounded. The other two actions/lawsuits are to be examined and resolved during 2022. At the same time, ANRCETI was involved in five lawsuits as an ancillary intervener, where the parties are providers and holders of the administration right (as a rule, central or local public authorities/institutions), the subject of which was the refusal of the

latter to offer access to managed real estate or to conclude contracts for access on properties. Out of the total number of lawsuits, three cases were finalized, one of which was in disfavor for the provider (the first court ruled that the refusal of the local public administration authority to grant access is justified - the court's decision is not final), the other two were finalized by pronouncing court rulings in favor of providers. Other two lawsuits are pending for settlement during 2022.

#### **8. Of which relevant international organisations does Moldova hold membership?**

The Republic of Moldova is a member of the following relevant international organisations, association and platforms:

- *International Telecommunication Union (ITU)* - the United Nations specialized agency for information and communication technologies – ICTs. Moldova holds membership within ITU since 20 October 1992;
- *Open Government Partnership (OGP)* – On 17 April 2012, the Republic of Moldova joined this global initiative to strengthen the quality of governments through governance improvement, enhancement of public institutions' transparency and their accountability, provision of IT tools to empower the citizens and advance the interaction between the government and civil society. By joining this Partnership, the Republic of Moldova signed the Declaration of Principles regarding the Open Government Partnership, the commitment of the Moldovan Government being embedded in the four Action Plans implemented so far, which resulted in measures related to making the public data open, public services modernisation by harnessing the power of technology and innovation, promoting dialogue and constant cooperation between public institutions and civil society.
- *European Conference of Postal and Telecommunications Administrations (CEPT)*;
- *EUTELSAT IGO* (European Telecommunications Satellite Intergovernmental Organization);
- *Regional Commonwealth in the Field of Communications*;
- *RIPE Network Coordination Centre (RIPE NCC)*;
- *Forum of Incident Response and Security Teams*.

#### **9. Explain how the regulatory and institutional set-up secures sufficient transparency and legal predictability for market players and potential investors.**

To ensure the transparency of the decision-making process in ANRCETI in fulfilling its regulatory duties and pursuant to Article 7 (1) a) of Law no. 239/2008 on Transparency in Decision-Making Process and section 14 sub-section 3) of the Government Decision no. 967/2016 on the Mechanism of Public Consultation with civil society in the decision-making process, ANRCETI annually approves the Program for the Elaboration of Regulatory Acts by the Agency.



According to the provisions of Article 14 of Law no. 241/2007, the transparency of the Agency's activity and decisions is ensured by the Administrative Board, which, for this purpose:

- a) make the Administrative Board meetings public;
- b) informs in advance all interested parties on the meeting agenda, providing the parties, as well as the general public, with free access to the examination of the issues included on the agenda, except for those of a confidential nature, but in this case, the decisions of the meeting are also accessible to any interested party.

If the Administrative Board intends to adopt regulatory acts that may have an impact on relevant markets and the provision of publicly available electronic communications services, the Agency complies with the public consultation procedure, by placing the draft regulatory act on its official website, and, upon the request of interested parties, send them the document by e-mail. The draft document is proposed to the general public attention at least 30 days before the date of approval. A deadline of at least 15 working days is set for submitting objections and proposals, and a similar deadline for their discussion. Public consultations must include both the presentation of comments on the draft documents and the discussion of those comments with the parties who submitted them. The public consultation procedure must be inherent in examining any issues that affect or may affect the interests of any provider.

All parties who requested to have their e-mail address entered into the special mailing list set up by the Agency, is informed about the beginning of the consultation at the latest on the date of publication of the consulted document.

If the Administrative Board considers that there is an urgent need for action to protect competition or users, the period of 30 days provided for above may be reduced, but shall not be less than 10 working days.

The Agency makes the results of the consultation publicly available, including the reasons for rejecting objections or proposals submitted by interested parties, unless the information is confidential.

The decisions of the Agency presenting public interest are published in the Official Gazette of the Republic of Moldova.

The stages of the decision-making process are established in the Rules for elaboration, approval of normative, individual, recommendable acts and ensuring transparency in the decision-making process by ANRCETI, approved by Administrative Board Decision no. 12/2010. This normative act was adopted in order to comply with the provisions of the Law on transparency in the decision-making process no. 239/2008 and the recommendations contained in the Government Decision no. 967/2016.

Where necessary, the author, upon the consent of the administrative Board of the Agency, may organize informal consultative meetings, in order to clarify existing issues and reduce the number of items producing divergent opinions from the documents under public consultation. Where appropriate, the author may seek the views of stakeholders and/or experts, set up permanent and/ or ad-hoc working groups and conduct opinion surveys.

The normative act approved by the Administrative Board is subject to legal expertise and state registration by the Ministry of Justice, is published in the Official Gazette and is placed on the official website of the Agency.

The annual Report on the transparency of the process of drafting and approving normative acts is made publicly available on the Agency's website no later than the end of the first quarter of the following year. The Agency's Report on the transparency of decision-making process is placed in the "Decision-Making Reports" section of the Agency's official website.

As regards the predictability for the market players, it should be noted that the provision of public electronic communications networks and/or publicly available electronic communications services takes place under a general authorization regime, i.e. in accordance with general conditions that may be prescribed for all or certain types of electronic communications networks and services. In this sense, the general conditions are provided in Article 25 of the Law on Electronic Communications no. 241/2007. ANRCETI is empowered to further specify the conditions provided by law, as well as to set up conditions applicable to certain electronic communications activities under the general authorization regime, depending on network or service to which it applies, ensuring that such conditions are justified, sufficiently specified, proportionate and non-discriminatory.

The law also provides that the right to operate radio frequencies is obtained on the basis of Individual License for the use of radio frequencies issued on request, Individual License issued following a public tender procedure, as well as the general authorization regime. The general conditions of use of radio channels or frequencies are provided in Article 25 of the Law on Electronic Communications no. 241/2007. All draft regulatory acts are mandatorily subject to the public consultation procedure provided by law.

**10. Taking into account the Directive (EU) 2018/1972 establishing the European Electronic Communications Code, what are the provisions to ensure the independence of the National Regulatory Authority?**

The EU legal framework in the field of electronic communications has been substantially revised with the adoption and entry into force of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (EECC). Thus, according to art. 125 of the Code, Directives 2002/19/EC, 2002/20/EC,

2002/21/EC, 2002/22/EC, as listed in Annex XII, Part A, are repealed with effect from 21 December 2020, without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the dates of application of the Directives set out in Annex XII, Part B. Therefore, the national legal framework - the Electronic Communications Law no. 241/2007, which transposed the existing European legal framework until the entry into force of the Code, will have to be amended in order to bring it into line with the new European legal framework, according to provision of Moldova-EU Association Agreement.

In the present the Ministry of Infrastructure and Regional Development is studying the best European practices on transposition of the Code. In this regard, two virtual TAIEX Expert Missions on transposition of the EECC were organized on 29 - 30 March 2021 and 16 - 17 September 2021. TAIEX experts have presented experiences of their countries (Italy, Finland and Romania) regarding transposition of EECC into national legislation.

In 2021 the experts of the International Telecommunications Union elaborated “Collaborative Regulation Case Study for the Republic of Moldova: The Journey to G5 Regulation and Digital Transformation”. This Study has provided many recommendation in order to implement Collaborative Regulation concept and improve regulatory maturity, in particular, regulatory independence and regulatory accountability.

All these knowledge and recommendation will be taken into consideration in the process of transposition of EECC into national legislation.

## **C. Policy and regulatory frameworks**

### **11. Please describe the policy for the electronic communications sector. If a strategy document covering the sector exists, provide a translated copy.**

The development of the institutional and regulatory framework was in line with the International Telecommunications Union and European Union practices, following the international commitments and EU/Moldova Association Agreement.

The internal policy framework governing the development of the Information Technology and Electronic Communications sectors was *the National Strategy for the Development of the Information Society “Digital Moldova 2020”*, approved by the Government Decision no.857/2013<sup>54</sup>.

The Strategy was a cross-sectoral umbrella document on digitization policies of the Republic of Moldova functioning up to the end of 2020. Following the core

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<sup>54</sup> [https://www.legis.md/cautare/getResults?doc\\_id=49441&lang=ro](https://www.legis.md/cautare/getResults?doc_id=49441&lang=ro)

objectives of the Digital Moldova 2020 Strategy, a series of sub-sectoral policies and programs in this field was developed and implemented. The Strategy itself was a result of a strong collaborative process engaging local IT&C industry and development partners in a profound analysis of constraints to the sector's development, providing action lines and solutions, as seen from the 2012 perspective. The Strategy's success was in focusing the Government's and stakeholders' efforts on core components of Digital Society development:

- digital infrastructure and access;
- digital content and public electronic services;
- digital literacy;
- trust and security in cyberspace.

*The Radiofrequency spectrum management program for 2013-2020*<sup>55</sup>, approved by Governmental Decision no. 116/2013, was focused on efficient use of the scarce resources offering the necessary predictability to the sector and bringing policy innovations like technological neutrality, notification regime, and re-farming of few critical radio spectrum resources.

This Program had following impact:

- enhanced competition on the market of mobile electronic communications;
- allocation of the necessary spectrum resources;
- improved quality of services at competitive prices
- deployment of advanced 4G technologies;
- implemented technological neutrality offering to operators the possibility to effectively invest in network development and to provide advanced quality services;
- innovations and private investments in network development;
- mobile broadband access available at the rate of 99% of the territory and population in 2G networks (GSM, CDMA), 99.9% of the territory and population in 3G networks, and coverage of 96% of the territory and 98% of the population with 4G networks;
- capitalization of the frequency bands in line with European/regional practice;
- re-farming of the fragmented radio frequency bands.

*The Program on the transition from analog terrestrial to digital terrestrial television*<sup>56</sup>, approved by Governmental Decision no. 240/2015, was in line with the international practice aiming to facilitate the transition to new technologies in

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<sup>55</sup> [https://www.legis.md/cautare/getResults?doc\\_id=109654&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=109654&lang=ro#)

<sup>56</sup> [https://www.legis.md/cautare/getResults?doc\\_id=109711&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=109711&lang=ro#)

data transmission and freeing the valuable radiofrequency resources for new generation electronic services.

This Program had following impact:

- release of a significant portion of the radio spectrum – "digital dividend" for new mobile communications services;
- creation of two national DVB-T2 networks (Multiplexes) that can broadcast, free to air, up to 36 digital TV channels in format (Multiplex A is fully functional and covered around of 97% of the territory and 96% of the population; ensuring broadcasting of 8 TV channels; Multiplex B has a coverage of over 60% of the population and is available for broadcasting);
- substantially narrowing of the gap between rural and urban areas in terms of population's access to digital TV services,
- ensuring readiness for terrestrial analogue TV switch-off (to 23 thousand socially vulnerable families were allocated free DVB-T2 set-top-boxes).

From May 3, 2022, the Republic of Moldova switched permanently to digital terrestrial television, the analog transmission being completely stopped. The digital terrestrial television multiplex has a national coverage of about 98%, today it offers 10 free TV channels with a high quality of image and sound. By the end of the year, another 8 free channels will be included. Disadvantaged families will receive free converters to connect to digital terrestrial television. Applicants may submit an application to the Community Social Worker by 20 May 2022 to receive the converters.

*The Broadband Development Program 2018-2020*<sup>57</sup> was approved by Government Decision no. 629/2018 aiming to boost network access. Even if the program was targeting the elimination of constraints to further network access development, without appropriate financial support it had lower-than-expected impact.

This Program had following impact:

- establishing the mechanism for measuring, evaluating, and publishing data on quality parameters of publicly available electronic communications services;
- enforcing the internal legal framework for consumer protection and guaranteeing the right of access to the Internet;
- continuous harmonizing of the Radio Frequency Assignment Table in line with the regional/ EU agreements and practice;
- extensive gap analysis of Law no. 28/2016, with the World Bank and EU4Digital support, to ensure its compliance with the provisions of Directive 2014/61/EU of May 15, 2014, on measures to reduce the cost of installing high-speed electronic communications networks;

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<sup>57</sup> [https://www.legis.md/cautare/getResults?doc\\_id=108759&lang=ro](https://www.legis.md/cautare/getResults?doc_id=108759&lang=ro)

- WB Study on the simplification of the procedure for authorizing the construction/installation of elements of public electronic communications networks and the infrastructure elements associated with these networks was elaborated;
- WB Recommendation on uninterrupted electricity provision of base stations of mobile electronic communications networks was elaborated.

*The Radiofrequency spectrum management program for 2021-2025*<sup>58</sup> and the minimum bidding values of generic frequency blocks for allocation through the competitive selection procedure were approved by Governmental Decision no. 987/2020.

The general objective of this Program is to ensure a continuous development of the Electronic Communications Industry, Information Technology and communications sector in the Republic of Moldova, in particular, of the networks and public services of mobile broadband electronic communications in the period 2021-2025, while preserving the possibility of continuous development in local conditions, according to market requirements, mobile voice services and refers to ensuring the radio spectrum resources necessary for a continuous development of terrestrial mobile networks of electronic broadband communications; capitalizing on these limited resources.

According to this Program, a series of actions shall be organized in order to allocate the remaining unallocated resources and to allocate resources in the following new frequency bands based on competitive selection procedures according to the provisions of the Electronic Communications Law no. 241/2007, for implementation and development of terrestrial systems capable of providing broadband electronic communications services: 451-457.5 / 461-467. 5 MHz, 694-790 MHz; 880-890/925-935 MHz; 1427-1518 MHz, 1920-1980/2110-2170 MHz; 2300-2400 MHz, 2500-2690 MHz, 3400-3800 MHz, 24.25-27.5 GHz. Radio frequency bands have been selected in recognition of their designation for these purposes at international (ITU) and European (EU, CEPT) level and as a result of the harmonization of their use.

In conformity with another provision of the Program, amendments of the normative framework shall be elaborated in order to simplify the procedure for authorizing the execution of construction works for creation of the physical infrastructure necessary to support electronic communications networks, including the use of the existing physical infrastructure for the deployment of electronic communications networks.

According to the Program, in order to reduce some electromagnetic field (EMF) limits, which are excessive, the new Sanitary Regulation on the protection of the

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<sup>58</sup> <https://cancelaria.gov.md/sites/default/files/document/attachments/277.pdf>

population from the action of electromagnetic fields generated by radio-technical means shall be elaborated.

In the present, implantation of the Program is continuing. Due to unfavorable conditions for investment, the deadline for preparation of auction for 5G frequency bands that shall be organized in the third quarter of 2022 may be postponed for 2024. The draft of Governmental Decision regarding postponement was published for public consultation.

## 12. What is the situation and policy as regards universal service obligations?

According to the Electronic Communications Law no. 241/2007<sup>59</sup>, access to Universal Service is the right of all residents of the Republic of Moldova to benefit from the minimum set of electronic communications services of a certain level of quality and at affordable prices, regardless of their geographical location.

The minimum set of the services included in the Universal Service is following:

**1) Access to public electronic communications networks at fixed point and provision of telephone services.** The connection provided by the universal service must provide end-users with the possibility to make voice, national and international calls, fax communications and data communications at a transfer rate sufficient to enable functional access to the Internet, taking into account the technologies used by the majority of subscribers and the technical possibilities.

**2) Directory information and a directory enquiry service.** At least a subscriber Directory in printed, electronic or both forms shall be made available to end-users upon request. The Directory shall be updated regularly, at least every 3 years, and its form is approved in advance by the regulatory authority. At least one subscriber information service shall be made available to end-users, including pay phone users. The Directory of subscribers and the information service on subscribers shall include the telephone numbers and personal data of all subscribers to publicly accessible telephone services, complying with the legislation on the protection of personal data. Universal service providers designated to make available to end-users subscriber Directories or to provide subscriber information services, have the obligation to respect the principle of non-discrimination concerning the data made available to them by publicly accessible telephone service providers.

**3) Access to public pay phones or other public points of access to telephone services, including free access to emergency services.** The regulatory authority shall require the designated universal service providers to provide public payphones or other public access points to telephone services in order to meet the reasonable needs of end-users in terms of geographical coverage, number of installed telephones based on population density, accessibility of such telephones

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<sup>59</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130825&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130825&lang=ro)

for users with disabilities and quality of Service. The regulatory authority shall not impose these obligations on the whole territory of the country or on a part thereof if it considers that the services provided shall be sufficiently accessible. Universal service providers operating public pay phones are required to provide end-users with the possibility to make emergency calls from these phones free of charge and without using any means of payment, by dialing the single European number for emergency calls 112 and the national numbers for emergency calls provided for in the national numbering plan.

The actions, responsible persons and deadlines for the implementation of the Universal Service shall be specified in the National Program for the implementation of the long-term universal service, drafted on the basis of the provisions related to the implementation of the universal Service outlined in the policy and strategy for the development of electronic communications, taking into account the technologies used predominantly by end users and technological feasibility. This Program shall be approved by the Government.

The conditions and procedure for the provision of Universal Service, the designation of universal service providers and the mechanism for financing and compensation of the net cost of providing universal service shall be established in the regulation on universal service, elaborated and approved by the regulatory authority (ANRCETI).

The regulatory authority designates the providers that will provide the Universal Service in such way that all reasonable requests for the provision of a publicly accessible telephone service by connecting to the public telephone network, which allows national and international calls to be made and received, are satisfied by at least one provider of publicly available electronic communications networks and publicly accessible electronic communications services.

The regulatory authority has the right to adopt specific measures to ensure that the access of end users with disabilities to the services included in Universal Service as well as the availability of these services are at a level equivalent to that enjoyed by other end users. In this regard, the regulatory authority shall assess the general need and specific requirements, including the scope and concrete form of these specific measures, for end-users with disabilities. The regulatory authority may take measures to ensure that end-users with disabilities can benefit from the offer of services available to most end-users.

ANRCETI monitors the evolution and level of retail tariffs for end-users of services within the minimum set of universal service, taking into account the general level of prices and incomes of users. The regulatory authority shall impose the following obligations on universal service providers:

- to provide end-users with special tariffs or tariff packages different from those practiced under normal commercial conditions, in order to provide low-income persons and other socially vulnerable categories of persons with publicly accessible telephone services;



- comply with certain tariff ceilings, apply single tariffs, including by setting averages by geographical area throughout the country, as well as other similar schemes, taking into account specific conditions.

The Government shall establish the categories of persons with low incomes and other categories of socially vulnerable persons who benefit from the universal Service and from the tariff options or tariff packages specified above. The conditions under which end-users benefit from such tariffs must be transparent and made public. They shall be applied in a non-discriminatory manner by universal service providers who have been required to apply such tariffs. The regulatory authority shall require the modification or waiver of specific tariff schemes.

If, on the basis of determining the net cost it is established that the provision of services within the scope of the universal Service constitutes an unfair burden for the universal service provider, the regulatory authority shall decide, at the request of the universal service provider, to finance and/or compensate the net cost thus determined. In order to finance and/or compensate universal service providers for the net costs of providing the universal Service, the Universal Service Fund, managed by the ANRCETI, shall be created. The Universal Service Fund shall be constituted by the mandatory contributions of providers of electronic communications networks and/or services and other means permitted by law. The means of the universal Service Fund shall be used exclusively to cover the net costs of the universal service obligation.

Providers of electronic communications networks and services will be obliged to make mandatory contributions to the Universal Service Fund, the amount of which will not exceed 1.0% of the annual volume of revenues from the provision of electronic communications services and/or networks. Annually, until November 1, the Government shall approve and publish the quota of mandatory contributions for the next year. The share of compulsory contributions to be paid into the Universal Service Fund shall be determined on the basis of the tasks set out in the national Program for the implementation of the universal service and the net costs of providing the universal Service determined by the agency. Providers of electronic communications networks and services with a volume of revenues lower than that established annually by the agency may be exempted from the obligation to pay contributions to the Universal Service Fund. The modality of financing and/or covering the net cost of fulfilling universal service obligations, as well as the procedures and deadlines for making payments to the Universal Service Fund, shall be determined by the ANRCETI, respecting the principles of transparency, minimum harm to competition, proportionality and non-discrimination. The ANRCETI shall make public the mechanism for financing and/or offsetting the established net cost. In the case of If the Universal Service Fund is to be applied, the agency shall publish an annual report in the Official Gazette of the Republic of Moldova on the calculated net cost of providing services in the scope of universal Service, the contributions made by providers of electronic communications networks and services, as well as the commercial advantages that have been realized by the universal service provider in the process of providing services in the scope of Universal Service.

The Universal Service is provided by the Joint Stock Company “Moldtelecom” (100% of shares are the state property), but in the way not complied with provision of the Law no. 241/2007. In 2003 some secondary legislation, approved by the former Ministry of Transport and Communications, have established very cheap tariffs for local fixed telephony calls for many socially vulnerable groups of subscribers (retirees, people with disabilities, war veterans). The JSC “Moldtelecom” bears large financial losses due to these tariffs below the cost of the service, but due to economical reasons situation remains unchanged.

The new mechanism of provision of the Universal Services, in compliance with provision of the Law no. 241/2007 shall be established in the process of execution of the National Program for the implementation of the Universal Service. The main obstacle for approving of the Program was the so-called “luxury tax”, imposed to the mobile operators by the Law no. 827/2000.

The mobile operators had to pay 2.5 percent tax of the income obtained from sales related to the mobile services and for this reason they didn’t accept the introduction of the additional 1.0 percent tax for the Universal Service Fund. The approving of the Program was blocked in 2014 due to operator’s opposition. By the time, in the EU was developed new concept of Universal Service, which was included in the Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code. Thus, according to art. 125 of the Code, Directives 2002/19/EC, 2002/20/EC, 2002/21/EC, 2002/22/EC, as listed in Annex XII, Part A, are repealed with effect from 21 December 2020, without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the dates of application of the Directives set out in Annex XII, Part B. Therefore, the national legal framework - the Electronic Communications Law, which transposed the existing European legal framework until the entry into force of the Code, will have to be amended in order to bring it into line with the new European legal framework, according to provision of Moldova-EU Association Agreement. Taking into account these circumstances, it is reasonable to approve a new Program after transposition of the Code into national legislation. The “luxury tax” was abolished at the end of 2021.

**13. Please describe the competence, structure and degree of independence of the regulatory body for electronic communications.**

**Status**

The regulatory authority is a legally distinct and functionally independent entity. Article 8 of the Law on Electronic Communications prescribes that the National Regulatory Agency for Electronic Communications and Information Technology (ANRCETI) is a central public authority, under the status of a legal entity with autonomous budget, independent of providers of networks and/or services,

manufacturers of electronic communications equipment, and the Government, the latter except the cases provided in:

- Article 8 (7) - ANRCETI shall perform its functions and duties on the basis of its own regulations, drawn up in accordance with this law and approved by the Government;
- Article 9 (1) d) – ANRCETI shall approve, in consultation with the Government, the tariffs for publicly available electronic communications services provided to individual end-users by providers with significant power on the relevant fixed voice market;
- Article 11 (3) - ANRCETI Director and Deputy Directors shall be appointed by the Government for a term of 4 years.

### **Competence**

ANRCETI is empowered to regulate the activity in the field of electronic communications and information technology, ensure the implementation of development strategies in these fields and supervise the observance of the electronic communications legislation by providers of electronic communications networks and/or services.

ANRCETI shall perform its regulatory tasks in order to ensure the universal service provision, the interconnection and interoperability of electronic communications networks, to promote competition and user protection.

More specifically, according to Article 9 of the Law on Electronic Communications nr. 241-XVI, ANRCETI performs the act of regulation by means of the following activities:

- a) preparation of regulatory documents and technical standards, in accordance the strategy for electronic communications development;
- b) implementation of the general authorization regime;
- c) regulation of tariffs within the electronic communications networks and services;
- d) approval, in consultation with the Government, of tariffs for publicly available electronic communications services provided to individual end-users by providers with significant power on the relevant fixed voice market;
- e) development, with the prior consultation with the Competition Protection Authority, of the methodology for setting the prices or tariffs for the fixed voice services, provided to end users by the providers with significant power on the relevant market, and its publication;

- f) monitoring the application of the provisions of the legislation in the field of electronic communications and taking actions to prevent and eliminate non-compliance with these provisions;
- g) establishing the principles and rules for the interconnection of networks and for access to networks and/or services;
- h) development and management of the National Numbering Plan, administration and allocation of numbering resources, against a fee, based on objective, transparent, non-discriminatory and proportional criteria;
- i) regulation and monitoring the management of the .md top level domain;
- k) ensuring, within the limits of technical possibilities, equal conditions of access to electronic communications networks and associated infrastructure for all users, as well as guaranteeing free access to the transmission of information through public electronic communications networks, regardless of their type of ownership;
- l) identification of relevant markets and elaboration of regulations for market analysis;
- m) performing market analysis in situations where they are mandatory, under the law;
- n) designation of providers of electronic communications networks and/or services with significant power on relevant markets;
- o) imposing on providers of electronic communications networks and/or services with significant power on relevant markets obligatory requirements related to providing interconnection of networks and access to electronic communications networks and/or services or user protection of;
- p) control of fulfillment of the *ex ante obligations* imposed on the providers of electronic communications networks and/or electronic communications services with significant power on relevant markets;
- q) creation and management of the universal service fund;
- r) control of the fulfillment of the obligations imposed on the universal service providers;
- s) resolution of disputes between providers of electronic communications networks and/or services, in order to ensure fair competition and user protection;
- t) resolution of disputes between providers of electronic communications services and end users;

u) monitoring and control of quality of electronic communications services, their compliance with the general authorization or license conditions of the; the control of the observance of general authorization or license conditions;

u<sup>1</sup>) control of radio electronic facilities that produce electromagnetic waves and are intended for civil purposes;

u<sup>2</sup>) control of conformity of electronic communications equipment, placed on the internal market and/or put into operation, with the basic requirements established in the applicable technical regulations;

v) application of contravention sanctions, within the limits of its competences, under the law;

w) adoption of decisions in matters falling under its scope of competence;

x) use opportunities of surveys;

y) preparation and approval of internal regulations.

## Structure

The organizational structure, staff limit and budget of the ANRCETI is approved by the Administrative Board while the staff list is hired by the Director through a competitive process.

As of 31.12.2021, ANRCETI had 48 (active) employees, distributed as in the Chart below.



## Management body

According to Article 11 of the Law on Electronic Communications nr. 241-XVI, ANRCETI's management body is the Administrative Board, consisting of the Chairperson of the Board, concomitantly the Director of ANRCETI, (hereinafter - the Director), and two Board members – concomitantly Deputy Directors of ANRCETI (hereinafter - Deputy Directors).

## **Operational independence**

The Administrative Board decisions are taken by majority of votes, every member having one vote. The Government appoints the Director and the Deputy Directors, for a 4-year term of office. None of the members of the Board of Directors may hold office for more than 8 consecutive years. The Director and Deputy Directors may be dismissed by the Government, in the event of:

- resignation;
- improper fulfillment of duties granted by law, which fact has been established by a Statement of findings that remains as final;
- loss of citizenship of the Republic of Moldova;
- impossibility to fulfill duties due to health reasons;
- election or appointment to another position;
- incompatibility established by a Statement of findings that remains as final;
- establishing, by a final statement of findings, that a board member adopted administrative act, or took/participated in a decision without priorly resolving the real conflict of interests as provided by the legislation on conflict of interest regulation;
- failure to submit the Declaration of asset and personal interests or refusal to submit it, under the conditions of Article 27 paragraph (8) of Law no. 132 of June 17, 2016 on the National Integrity Authority;
- in case of an irrevocable court ruling, ordering the confiscation of the unjustified property;
- a sentence to deprivation of freedom, by a final court decision;
- other situations, under the law.

The Decision to dismiss the director or deputy directors is made public at the time of its issuance. ANRCETI staff is recruited based on competitive selection. ANRCETI's organizational structure, staffing and budget are approved by the Administrative Board. It is forbidden for the Director or Deputy Directors to hold positions/shares, or have material or financial gains, or intervene for the employment of a person, or negotiate his own employment after the expired term of office, within companies falling under ANRCETI's regulation.

The Director shall hire the staff of ANRCETI through competition.

(9) The organizational structure, staffing and budget of ANRCETI shall be approved by the Management Board.

## **Funding and financial independence**

Annually, by 15 November, ANRCETI shall draw up its budget for the following year. According to Article 12 of the Law on Electronic Communications no.

241/2007, ANRCETI budget is composed of regulation and monitoring fees from electronic communications, fees for the use of numbering resources allocated to public electronic communications networks, as well as of regulatory and monitoring fees from postal communications sector, according to Article 36 of the Law on Postal Communications no. 36/2016.

ANRCETI's budget is approved by its Administrative Board, in the amount considered necessary to cover the authority's needs and ensure both compliant activity and financial independence of ANRCETI. The budget execution is verified by an independent audit, who submits a report to the Government. ANRCETI establishes the amount of the regulatory and monitoring fees for the following year, at the level considered sufficient to cover the expenses necessary to perform its activity in accordance with this law. The amount of regulatory and monitoring fees for electronic communications is determined on the basis of an estimate of the volume of revenues from activities in this field, amounting to up to 0.3% of the volume of estimated revenue.

The amount of regulatory and monitoring fees in the field of postal communications is set at up to 0.1% of the sales revenue of each postal service provider, from the activities of providing postal services in the previous year. It is the revenue from sales, from which the amounts transferred by the universal postal service provider to other countries as terminal expenses, or the amounts transferred to international express courier networks by postal service providers, are subtracted.

The tariffs for numbering resources are established by ANRCETI Administrative Board Decision no. 59 of 21.12.2010.

Every year, before November 1, ANRCETI publishes in the Official Gazette of the Republic of Moldova its decision on the amount of regulatory and monitoring fees established for the following year.

The regulatory and monitoring fees are transferred by service providers to ANRCETI's current account, on quarterly/annual basis, before the 15th of the month immediately following the accounting period. ANRCETI has the exclusive right to use the funds in its account. Unused funds in the current financial year are transferred to the following year's budget. If there is a deficit of funds during the current financial year, ANRCETI has the right to compensate it from the budget of the following year, correcting the amount of regulatory and monitoring fees accordingly. ANRCETI is entitled to take out bank loans at reasonable interest rates for current expenses that cannot be covered by the collected regulatory and monitoring fees. ANRCETI shall repay the loans from the funds obtained from the subsequently collected regulatory and monitoring fees. Annually, by March 31, ANRCETI submits to the Government a financial report, which is published in the press.

## **Administrative powers**

ANRCETI documents are mandatory and enforceable, according to the following provisions: Article 171 of the Administrative Code no. 116/2018, Article 11 j) of the Enforcement Code no. 443/2004 and Article 3 (4) of Law no. 28/2016 on Access to Properties and shared use of infrastructure associated with electronic communications networks.

## **Separation of competencies, transparency**

According to Article 4 of Law No. 98/2012 on Specialized Central Public Administration, the fundamental principles of organization and operation of specialized central public administration are the following:

- organizational:
  - institutional hierarchy;
  - delimitation of the functions of policy making and promotion from those of their implementation;
  - clear assignment of responsibilities and competencies, avoiding their ambiguity, duplication and overlap;
  - concentration of public services;
  - simplicity and clarity of the institutional structure;
- operation:
  - legality;
  - effectiveness in achieving the objectives and accomplishing the established tasks.

**14. How does the allocation and assignment of frequencies and numbers/codes take place? Please indicate where relevant the involvement by "Conférence Européenne des Administrations des Postes et Télécommunications" (CEPT) and International Telecommunications Union (ITU). Please provide an English version of Moldova National Frequency Allocation Table.**

## **Information regarding frequency allocation and assignment**

Provisions of the ITU and CEPT Decisions, Reports, Recommendations and other legal acts play a significant role in the radio spectrum regulation and usage in the Republic of Moldova.

The Constitution and Convention of the International Telecommunication Union, further complemented by Radio Regulations and other relevant Administrative Regulations Acts has been ratified by the Parliament of the Republic of Moldova by Parliament Decision nr.993-XIII of 15 October 1996.



In accordance with the art. 41 of the Electronic communications Law nr. 241/2007, strategic planning, coordination and harmonization with the member countries of the European Conference of Postal and Telecommunications Administrations and in other international organizations in which the Republic of Moldova is a party, of the use of radio spectrum resources are carried out by the central specialized body (the Ministry of Infrastructure and Regional Development). The radio spectrum may be used through any technology available for each type of radiocommunication service set out in the National Table of Frequency Allocations (NTFA) and in accordance with the relevant Decisions and Recommendations of the European Conference of Postal and Telecommunications Administrations (CEPT).

The license holder shall comply with: the provisions of the Decisions, Recommendations and Reports of the International Telecommunication Union, the European Conference of Postal and Telecommunications Administrations, applicable to the frequency bands covered by the license; the conditions and requirements imposed by the central specialized body in order to comply with the international treaties to which the Republic of Moldova is a party, as well as the Decisions and Recommendations of the European Conference of Postal and Telecommunications Administrations on the use of radio channels or frequencies; also, license holders are requested not to interfere with other electronic communications networks legally installed and operated in the territory of the Republic of Moldova and to avoid harmful interference, complying with the technical requirements defined in the decisions, recommendations and reports of the European Conference of Postal and Telecommunications Administrations / Electronic Communications Committee.

Subsequently, the provision of the Radio Regulations of the International Telecommunication Union and relevant CEPT Decisions or Recommendations or Reports are transposed within the NTFA of the Republic of Moldova, spectrum policy documents of the Republic of Moldova, license conditions, bilateral and multilateral spectrum arrangements with the neighboring countries etc.

The allocation of the frequency bands is undertaken by the State Commission on Radio Frequencies through the National Table of Frequency Allocations of the Republic of Moldova.

According to the Governmental Decision no. 544/97 on the approval of the composition of the State Commission on Radio Frequencies of the Republic of Moldova and the Regulation of the State Commission on Radio frequencies of the Republic of Moldova, Commission is led by the Ministry of Infrastructure and Regional Development and comprises the main stakeholders: representatives of the government and non-government users.<sup>60</sup>

The link to the English version of the NTFA of Moldova is available at:

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<sup>60</sup> [https://www.legis.md/cautare/getResults?doc\\_id=110121&lang=ro](https://www.legis.md/cautare/getResults?doc_id=110121&lang=ro)

The frequency assignment in the Republic of Moldova is undertaken in accordance with the provision of the relevant legal acts: Radio Regulations of the ITU, Regional Agreements (Geneva-84, Geneva-06, etc.), bilateral and multilateral spectrum arrangements and provisions of the national legislation - Electronic communications Law no.241/2007.

The main steps for a frequency assignment is as follows:

- Electromagnetic compatibility assessment.
- International coordination in accordance with the relevant regulation.
- Assignment of the frequency which may be awarded:
  - As a result of competitive (auction) or comparative (beauty contest) selection for limited resources, undertaken by the National Regulatory Agency for Electronic Communications and Information Technology.
  - As a result of comparative selection (beauty contest) for broadcasting licenses, undertaken by the Audiovisual Council.
  - By the 'first come, first served' principle, in base of license or technical permit granted by the National Regulatory Agency for Electronic Communications and Information Technology.

According to the Electronic communications Law no. 241/2007, in order to ensure an efficient use of the radio frequency spectrum and to ensure the electromagnetic compatibility of radiocommunication stations, as well as to monitor the quality of electronic communications services provided through radiocommunication networks and stations, the National Service for the Radio Frequencies Management keeps appropriate technical information regarding on radiocommunication stations, channels and radio frequencies and provides the following services:

- planning, selecting, calculating and coordinating radio channels and / or frequencies in accordance with the National Table of the Frequency Allocations;
- ensuring the electromagnetic compatibility of radiocommunication stations;
- measurement and evaluation of territorial coverage and coverage of national public roads with networks and Radiocommunication stations;
- measurement of the technical emission parameters of radiocommunication stations in accordance with the Regulation on the monitoring of radio frequencies and evaluation of the technical emission parameters of radiocommunication stations for non-governmental use;
- measurement and evaluating the quality parameters of the electronic communications services provided through the radio communication networks and stations;

- elaboration of technical specifications for the design of radiocommunication stations and project expertise.
- tests to certify the equipment to electromagnetic compatibility, safety and compliance with the requirements for the efficient use of the radio spectrum, as well as tests to assess compliance with the technical requirements for limiting the exposure of the population to the effects of electromagnetic fields;
- certification of electronic communications products.

### **Information regarding assignment of numbers/codes**

ANRCETI is the authority empowered by Electronic Communications Law no. 241/2007, to develop and manage the National Numbering Plan (NNP), to regulate, manage and assign numbering resources against a fee. Numbering resources are scarce resources, under state property and are assigned by the ANRCETI to providers authorized through licenses for the use of numbering resources in the provision of publicly available electronic communications networks and services.

The National Numbering Plan (NNP), approved by the Order no. 15/2010<sup>61</sup> of the former Ministry of Information Technologies and Communications, establishes the manner of numbering resource distribution and the structure of number ranges used in the publicly available electronic communications networks and services. The NNP is developed by the Agency and approved by the central sectorial authority (actually, Ministry of Infrastructure and Regional Development).

Numbering resources are assigned by the ANRCETI to providers, upon their request, the basis of the Procedure on Telephone Numbering Resources Administration. The Procedure sets forth the rules of numbering resource assignment, calculation and payment of fees for the assigned numbering resources, reporting on their use, and ensuring the transparency in the process of numbering resource administration.

ANRCETI issues licenses for the use of numbering resources upon receipt of a justified declaration/application (Annex nr.3 to ANRCETI Administrative Board Decision nr. 54 of 28.12.2017 on general authorization regime and licensing in electronic communications) from an applicant authorized to provide publicly available electronic communications networks and services. ANRCETI adopts license issuance decisions and makes them publicly available as soon as possible, but no later than within 3 weeks.

The licenses are valid for 10 years, except where they are requested for a term shorter than 10 years or where they are issued to holders of licenses for the use of

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<sup>61</sup> [https://www.legis.md/cautare/getResults?doc\\_id=100399&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=100399&lang=ro#)

radio frequencies or channels granted through a tender, for which the validity term is 15 years.

A network provider, intending to transfer one or more licenses, shall submit to ANRCETI an application in this regard, which shall be a filled-in Form, supplemented by additional documents, as listed in Art. 9 of the Procedure for Transfer of License for the Use of Limited Resources, approved by Administrative Board Decision no.08 of 25.02.2010.

License holders are liable to submit to the Agency, before January 31 every year, a Report on the Use of Numbering Resources for the previous year. Where the provider needs additional numbering resources, he has to present the report on the use of numbering resources for the timeframe preceding the request. License holders undertake the obligation to abide by the rules of numbering resource use, established by the Agency in the General License Conditions, Special License Conditions for the use Free Phone numbers in public electronic communications networks and in Special License Conditions on the use of Premium Rate services in electronic communications networks.

In order to obtain technical codes necessary to identify electronic communications networks or network elements for their operation or for provision of electronic communications services, providers of public electronic communications networks are required to fill in and submit an application to the Agency, as prescribed in Annex 1 to the Procedure of Signaling Point Code Administration, approved by ANRCETI Administrative Board Decision no.27 of 21.09.2010. The procedure is applied to the following categories of technical codes: (1) National Signaling Point Code - NSPC; (2) International Signaling Point Code - ISPC; (3) Mobile Network Code - MNC.

## **15. Describe the 'rights of way' procedures in Moldova.**

According to Article 4 of Law no. 28/2016, the providers of publicly available electronic communications networks have the right of access to public or private properties under the conditions of Law no. 28/2016<sup>62</sup>, of Law no. 241/2007 and of the Civil Code of the Republic of Moldova no. 1107/2002<sup>63</sup>, in order to build (install), maintain, dismantle, replace, transfer or refurbish public electronic communications networks or the necessary infrastructure elements for their support. Owners or managers of public or private property, including physical infrastructure, are liable to negotiate, in good faith, contracts for access with providers.

As well, Art. 25 (15) of the Electronic communications Law no. 241/2007 stipulates that the provider of publicly available electronic communications

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<sup>62</sup> [https://www.legis.md/cautare/getResults?doc\\_id=106023&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106023&lang=ro)

<sup>63</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129081&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=129081&lang=ro#)

networks or services has the right to install, upon the written consent of the property or a other real estate owner, under the law, electronic communications networks in, on, above or below the land territory, bridges, streets, tunnels, buildings, collectors, enclosed areas, forests and/or waters.

According to Article 7 of Law no. 28/2016, the conditions of access to public property, are made publicly available and are accessible to all interested parties and comply with the principles of transparency, proportionality, objectivity and non-discrimination for all providers of publicly available electronic communications networks.

Central or local public authorities, other public institutions, as well as any other entities that exert the right of administration of state-owned public buildings or building belonging to administrative-territorial units, including state or municipal enterprises that exert the administration of technical infrastructure facilities - have the obligation to publish on the official website, where there is one, and to display in visible places at their headquarters the information on the conditions under which the right of access to this property and/or shared use of the physical infrastructure is exerted, including the documents that the applicant needs to submit in order to confirm the fulfillment of these conditions, in compliance with the legal provisions. Modification and/or add-on to the conditions of access to the property can be done at maximum once during 12 consecutive months.

The Methodology for calculating the maximum tariffs for the right of access to public properties and/or shared use of the infrastructure, approved by Government Decision no. 1434 / 2016<sup>64</sup>, establishes the method of setting the maximum tariffs for the right of access to properties of central or local public authorities, other public institutions, as well as of any other entities exerting the right of administration of state-owned buildings or building belonging to administrative-territorial units, state or municipal enterprises exerting the administration of technical-urban infrastructure facilities and holders of the right to manage common properties, including the condominium, and the formula for calculating the maximum tariff that can be charged on providers for the right of access to public property, as well as the maximum tariffs for the shared use of the physical infrastructure on the listed properties, which can be charged to providers of publicly available electronic communications networks.

If the provider disagrees with the amount of the proposed tariffs for the right of access on public properties, and while negotiating the contract, the parties cannot agree on the mutually acceptable tariff amount, any of the parties can refer to ANRCETI. ANRCETI examines the case under the conditions of Law no. 28/2016.

According to Article 3 of Law no. 28/2016, ANRCETI is empowered to solve and/or mediate, under Law no. 28/2016 and Law no. 241/2007, disputes between providers of publicly available electronic communications networks and owners

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<sup>64</sup> [https://www.legis.md/cautare/getResults?doc\\_id=97024&lang=ro](https://www.legis.md/cautare/getResults?doc_id=97024&lang=ro)

or administrators of public or private property, including physical infrastructure, related to obtaining and exerting the right of access to property. The decision on the dispute is issued by ANRCETI within 30 calendar days from the date of notification. This timeframe may be extended by maximum one month, which shall be notified to the parties. ANRCETI Decision is binding for the parties. Any ANRCETI decision can be challenged in the court, in accordance with the Administrative Code no. 116/2018<sup>65</sup>. ANRCETI decision is an enforceable document under Law no. 28/2016 and under the Enforcement Code of the Republic of Moldova no. 443/2004<sup>66</sup>.

ANRCETI cooperates with other relevant institutions, including sectoral regulators, in order to ensure access to property and shared use of physical infrastructure.

**16. Implementation of the European Emergency number 112: describe the cooperation provisions between all the relevant authorities in the sector (i.e. the cooperation between the competition authority and the regulatory authority in charge of electronic communications).**

The basic normative act that regulates the organization and functioning of the Single National Service for emergency calls 112 in Moldova is Law no. 174 of 25 July 2014 on the organization and functioning of the Single National Service for emergency calls 112<sup>67</sup>.

This law sets up the legal framework on the organization and functioning of the Single National Service for emergency calls 112 in the Republic of Moldova and transposes Article 26 of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive).

112 Service was launched in Moldova on March 29, 2018 and is organized as an integrated structure, in which the 112 emergency call centers receive and process all emergency calls from the whole territory of Republic of Moldova, localize the caller terminal, analyze the information and forward the request for intervention to the dispatch of relevant specialized emergency services. Specialized emergency services from the Emergency Medical Service, General Inspectorate of Police, General Inspectorate of Emergency Situations ensure the takeover of the request for intervention forwarded by Service 112 and ensure adequate intervention level for emergency resolution.

The 112 Service also has competences regarding creation, maintenance and development of the Automated Information System of 112 Service and

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<sup>65</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129135&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=129135&lang=ro#)

<sup>66</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128195&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=128195&lang=ro#)

<sup>67</sup> [https://www.legis.md/cautare/getResults?doc\\_id=115204&lang=ro](https://www.legis.md/cautare/getResults?doc_id=115204&lang=ro)

geographical localization of received calls based on primary location information received from electronic communications services providers.

The interaction between 112 Service and specialized emergency services is ensured by the Interdepartmental Committee for ensuring the interaction between 112 Service and specialized emergency services. The Committee is an interdepartmental structure, with no legal entity, functioning under Government's authority responsible for coordination, monitoring and analyzing the interaction of all institutions involved in the process of providing Emergency Service 112.

The Ministry of Infrastructure and Regional Development is the central specialized authority designated by the Government (Administrator of 112 Service), ensuring elaboration, promotion and monitoring of the implementation of policy, legal and normative framework in the field and the development of 112 Service.

The National Regulatory Agency for Electronic Communications and Information Technology (ANRCETI) establishes the technical, legal and organizational-economic conditions regarding the realization of electronic communications to / from the 112 Service.

Pursuant to art. 14 (1) and (3) and art. 15 (3) of the Law on the organization and functioning of the Single National Service for Emergency Calls 112 no. 174/2014<sup>68</sup>, art. 27 and 83 of Law no. 241/2007, in accordance with the Technical Concept of the Automated Information System of the Single National Service for Emergency Calls 112 approved by the Government Decision of the Republic of Moldova no. 244/2016<sup>69</sup>, the Regulation of the Single National Service for Emergency Calls 112, approved by the Decision of the Government of the Republic of Moldova no. 243/2016<sup>70</sup>, as well as in order to ensure the implementation of the National Program on the implementation of the Single National Service for Emergency Calls 112, approved by the Government Decision of the Republic of Moldova no. 241/2016, ANRCETI issued:

- The technical, legal and organizational-economic conditions regarding the realization of electronic communications to / from the 112 Service, approved by the Decision of the Board of Directors of ANRCETI no. 30 of 22.12.2016;
- The technical conditions for transmitting the primary location information in case of calls to the unique emergency number 112 and access of the 112 Service to the databases of the subscribers of the communication service providers, approved by the Decision of the Board of ANRCETI no. 31 of 22.12.2016;
- The procedures and technical limits for the reduction of abusive calling, false alert and involuntary calls to the 112 Service approved by the Decision of the Board of Directors of ANRCETI no. 32 from 22.12.2016.

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<sup>68</sup> [https://www.legis.md/cautare/getResults?doc\\_id=115204&lang=ro](https://www.legis.md/cautare/getResults?doc_id=115204&lang=ro)

<sup>69</sup> [https://www.legis.md/cautare/getResults?doc\\_id=109715&lang=ro](https://www.legis.md/cautare/getResults?doc_id=109715&lang=ro)

<sup>70</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128914&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=128914&lang=ro#)

*According to the Technical, legal and organizational-economic conditions regarding the realization of electronic communications to / from the 112 Service, S.A. "Moldtelecom" has been designated as a provider that transits calls from the population to the 112 Service, technical, legal and organizational rules for realization of the interconnection of the 112 Service with the network of the Transit Provider, and for the connection of other public telephone networks in order to carry out the communications to the 112 Service. S.A." Moldtelecom" has the obligation to offer to other providers of public telephone networks, the interconnection service for the switched transit of calls to the 112 Service, ensuring the transport through its network of the traffic to the 112 Service taken from the network of another public telephone network provider.*

*The technical conditions for transmitting the primary location information in case of calls to the unique emergency number 112 and access of the 112 Service to the databases of the subscribers of the communication service providers establish the data indicating the network elements relevant from the point of view of the location of the terminal equipment and which do not require additional processing by the supplier, the content, format and conditions of their transmission to the 112 Service, as well as the conditions for electronic communications access of the 112 Service to the databases of subscribers of publicly available electronic communications service providers. According to these conditions, the providers of public telephone networks and / or services have the obligation to ensure the sending, free of charge, to the 112 Service, information about the primary location of the caller's terminal as well as the identity of the calling line for all categories of calls destined for number 112 for mobile and fixed or VoIP-based telephony networks.*

*The procedures and technical limits for the reduction of abusive calling, false alert and involuntary calls to the 112 Service, have purpose of discouragement the abusive or involuntary dialing of the 112 Service and false alert of specialized intervention services through establishing and implementation of technical measures for such actions follow to be undertaken by the 112 Service and providers of public electronic communications networks and / or services to streamline the activities of the 112 Service and specialized emergency services, in order to limit the possibility of making other calls to the single 112 emergency number others than the emergency ones, defined in the Law on the organization and functioning of the Single National Service for Emergency Calls 112 no. 174/2014. These measures include, for mobile networks, the sending of SMS on the caller alert, the setting up of the automated information system so that, within a period of 5 days, any subsequent call to the 112 number initiated from the respective phone number is directed to an interactive platform, IVR type, by means of which the caller is communicated an automatic, pre-recorded voice message about an abusive call, and also notifying the authority empowered to hold the caller accountable in accordance with the legislation in force.*



## **D. Description of sector**

### **17. What is the current stage of sector liberalisation?**

The sector of electronic communications is completely liberalized since 01.01.2003. According to the provision of the Electronic communications Law no. 241/2007, no exclusive or special rights regarding the creation or provision of electronic communications networks or services shall be granted or maintained in force.

### **18. What are the number of operators and the types of authorisation?**

ANRCETI applies the general authorization regime for activities in the field of electronic communications, according to the provisions of Law no. 241/2007 and the relevant regulatory framework for this sector. The general authorization regime is free of charge and offers entrepreneurs, based on the notifications submitted to ANRCETI, the right to provide publicly available electronic communications networks and/or services for an unlimited period. Also, the provider of publicly available electronic communications networks and/or services has the right to apply for and obtain licenses to use limited resources (radio channels and frequencies, numbering resources) in order to provide publicly available electronic communications networks and/or services.

The scope of ANRCETI's competences in the implementation of the general authorization and licensing regime in electronic communications consist of:

#### **General authorization for the provision of electronic communications networks and/or services**

The nomenclature for the types of electronic communications networks and services subject to the general authorization regime contains:

##### *1. Types of public electronic communications networks and associated infrastructure, which include:*

- terrestrial public networks with access to fixed locations or with limited mobility;
- public terrestrial cell mobile networks;
- public terrestrial broadcasting networks;
- public networks with satellite access for publicly available electronic communications services;
- other types of public electronic communications networks, the provision of which falls within the relevant terms defined in Article 2 of Law no. 241/2007.

*2. Types of electronic communications services intended for the public, which include:*

- telephony (voice) services intended for the public;
- leased line services provided via public electronic communications networks;
- data transmission services provided via public electronic communications networks;
- Internet access services intended for the public;
- services of transmission or retransmission of audio-visual programs intended for the public;
- other types of electronic communications services available to the public, the provision of which fall under the relevant terms defined in Article 2 of Law no. 241/2007, with subsequent amendments and completions.

According to the data from the Public Register of providers of public electronic communications networks and services intended for the public, on 27.04.2022, a total of 362 operators were registered.

**Authorization to perform activities of installation, operation, management, maintenance and/or liquidation of electronic communications networks at the state border.**

**Licensing the use of numbering resources for the purpose of providing electronic communications networks and / or services**

ANRCETI issues licenses for the use of numbering resources according to the requirements established by the relevant regulatory framework, based on the National Numbering Plan (NNP), which establishes the distribution of numbering resources and the structure of number ranges used in publicly available electronic communications networks and services.

As of December 31, 2021, there are 34 license holders for fixed and mobile voice, of which 3 mobile voice operators - (Moldtelecom JSC, Moldcell JSC, Orange Moldova JSC).

The amount of numbers allocated by ANRCETI to providers, by the end of 2021 was estimated at 7,999,854 numbers. Of these - 6,280,000 numbers for services at mobile locations, 1,701,560 numbers for services at fixed locations, and 18294 numbers for other types of services (numbers independent of location, "Freephone", "Premium Rate", access codes, short national numbers, etc.)

**License for the use of radio channels or frequencies for the purpose of providing electronic communications networks and/or services.**

As the radio frequency spectrum represents limited resources in the public property of the state, its use is regulated in accordance with the law, by taking economic, organizational and technical measures meant to ensure the efficient use of the radio

frequency spectrum for the needs of natural and legal persons, public administration authorities, defense, national security, ensuring public order and accelerating the implementation of new radio communication technologies.

The technical management of the radio frequency spectrum for non-governmental use is provided by the Public Institution "National Radio Frequency Management Service". The assignment of radio channels or frequencies for non-governmental or shared use, in particular for electronic communications networks and services, is the responsibility of the ANRCETI.

In 2008, ANRCETI issued three licenses for the use of radio frequencies for the provision of third generation (3G) mobile electronic communications networks and services. These have been granted to companies for a 15-year timeframe:

- "Orange-Moldova" JSC – series AA 006539 of 08.08.2008 valid through 08.08.2023,
- "MOLDCELL" JSC – series AA 065140 of 15.08.2008 valid through 15.08.2023
- JSC „MOLDTELECOM” – series AA 065190 of 09.12.2008 valid through 09.12.2023.

ANRCETI granted these licenses directly (by direct granting procedure), based on the Law on Electronic Communications and taking into account the recommendations provided by Government decisions no. 660 of 02.06.2008 and no. 892 of 24.07.2008 on the implementation of third generation cell mobile communications services, which stipulates that existing mobile operators may benefit, during 2008, without a competition, from a license for the use of radio frequencies and channels, for the purpose of providing 3G communications networks and services.

In November 2012, ANRCETI granted JSC “Moldcell” and JSC "Orange Moldova", at their request, licenses for the use of radio frequencies/channels in the 2500-2690 MHz band (4G). The licenses granted to JSC Moldcell and JSC "Orange Moldova" certify their right to use a sub-band of radio frequencies in the band 2500-2690 MHz for the provision of public terrestrial cell mobile electronic communications networks and services with broadband radio access, based on IMT2000/UMTS technology standards (WCDMA) and/or LTE and/or IMT-Advanced.

- “Orange Moldova” JSC – series AA 082488 of 08.11.2012 valid through 08.11.2027;
- “Moldcell” JSC – series AA 082487 of 08.11.2012 valid through 08.11.2027.

In 2014, ANRCETI issued licenses for the use of radio frequencies in the 800 MHz, 900 MHz and 1800 MHz bands.

On July 28, 2014, ANRCETI adopted eight decisions to issue, by direct granting procedure, licenses for the use of radio frequencies in the 800 MHz, 900 MHz and 1800 MHz bands, including two - in the 800 MHz band, three - in the 900 MHz band and three - in the 1800 MHz band. The basis of these decisions was the requests submitted by the providers who had already been authorized to provide mobile terrestrial electronic communications networks and services in the Republic of Moldova, the expiry of the validity terms (05.11.2014) of the licenses held by JSC "Orange Moldova" and JSC "Moldcell" and the need to ensure the continuity of mobile terrestrial communications services, the benefits of end users and the development of competition in this market. The licenses were granted for a 15-year timeframe, starting with November 6, 2014.

JSC "Orange Moldova" and JSC "Moldcell" obtained three licenses each: a license each to use frequencies in the 800 MHz band with a total bandwidth of 20 MHz (2x10MHz), 900 MHz band with a total bandwidth of 20 MHz (2x10MHz) and 1800 MHz band with a total bandwidth of 50 MHz (2x25 MHz).

JSC "Moldtelecom" obtained two licenses - a license to use frequencies in the 900 MHz band with a total bandwidth of 10 MHz (2x5MHz) and a license for the band 1800 MHz (with a total bandwidth of 50 MHz (2x25 MHz)).

ANRCETI granted all licenses, for the first time, under conditions of technological neutrality. This means that license holders are free to choose and use for the assigned frequencies, any technology compatible with GSM (2G)-UMTS/HSPA, WIMAX (3G), LTE (4G) systems without a permissive administrative decision.

## **Categories of radio frequencies and equipment that are not subject to licensing and/or general authorization**

### **Technical permit**

In the Republic of Moldova, certain types of radio communication stations operate on frequencies, the use of which, according to the provisions of Article 43 (1) of the Law no. 241/2007, is allowed only on the basis of technical permits. ANRCETI issues Technical permits to both radio amateurs and economic operators who are granted the right to use radio communication stations for occasional transmissions, including satellite, associated technology, or are used for radio relay networks in electronic communications networks, as well as other types of radio stations.

As of 27.04.2022, there are 160 technical permits for radio communication stations for radio amateurs and 924 technical permits - for other types of radio communication stations.

### **Radio Amateur Certification**

Radio amateurs obtain this status by taking exams, where a special Commission, consisting of representatives of MIDR, ANRCETI, SNMFR and other public institutions, verifies the level of the required specific knowledge. The Commission operates in accordance with the commitments the Republic of Moldova assumed, by signing a cooperation agreement with the European Conference of Postal and Telecommunications Administrations (CEPT), of which it has been a member since 1992.

According to CEPT Recommendation T/R 61-02, the certificates issued for class “A” and “B” are equivalent to the CEPT HAREC certificate and correspond to the CEPT qualification class 1, and according to the CEPT Recommendation ECC 05 (06), the certificate for class “C ” is equivalent to the CEPT Novice certificate.

By 27.04.2022, the Examination Commission for radio amateur certificates had issued 28 CEPT and CETPT Novice certificates.

**19. What are the manufacturers and manufacturing activities for network equipment and terminals in Moldova?**

The manufacturers and manufacturing activities for network equipment and terminals are as follows:

- Manufacturer “DJV COM” LTD (manufacturing of the equipment and Software solutions development for the energy resources metering/evidence systems).
- Manufacturer “ADD-Production” LTD (manufacturing of the equipment and Software solutions development for the energy resources metering /evidence systems).
- Manufacturer “INFOEXPRES” LTD (manufacturing of the equipment for object/vehicles monitoring).
- Manufacturer “Plasma RTI” LTD (manufacturing of the electronic fiscal devices connected to the data networks).
- Manufacturer “Seven Hills Development” LTD (manufacturing of the equipment and Software solutions development for telematics control of the home appliances).

**20. Which are the main public electronic communications operator(s)? Please refer to:**

- a) Ownership and control of the operators;**
- b) Type of authorisation;**
- c) Principal subsidiaries.**

The main providers of electronic communications operating in the Republic of Moldova are:

- MOLDCELL S.A. (date of registration: 19.10.1999);
- MOLDTELECOM S.A. (date of registration: 05.01.1999);
- Orange Moldova S.A. (registration date: March 18, 1998);
- ARAX IMPEX S.R.L. (date of registration: 28.12.1992);
- STARNET SOLUȚII SRL (registration date: 16.10.2013).

The joint stock company "Moldtelecom" is a public interest entity, with the state's share in the share capital, in which the Public Property Agency exercises the function of shareholder (shares).

The enterprise was established by reorganizing the State Enterprise "Moldtelecom" in accordance with the provisions of the Legislation on Privatization, and the Public Property Agency ensures the integrity and efficient use of public assets in the management / ownership of this company with state share in share capital.

Operators	Type of authorisation
„Moldtelecom” S.A.	Licenses for landline numbers.
	Licenses for mobile phone numbers.
	Licenses for short numbers / routing numbers.
	Licenses for location-independent numbers.
	Licenses for Freephone / Premium rate numbers.
	Access code licenses.
	Authorization for carrying out installation, operation, management, maintenance activities
	General authorization in electronic communications (registered in the Public Register of providers of public electronic communications networks and electronic communications services intended for the public under no. 157 / 26.11.2009)
„Moldcell ” SA	Licenses for landline numbers.
	Licenses for mobile phone numbers.
	Licenses for short numbers / routing
	Licenses for location-independent numbers.
	Freephone number licenses
	Authorization for carrying out installation, operation, management, maintenance activities
	General authorization in electronic communications (registered in the Public Register of providers of public electronic communications networks and electronic communications services intended for the public under no. 04 / 29.09.2008)
Î.M. „ORANGE MOLDOVA” S.A.	Licenses for landline numbers.
	Licenses for mobile phone numbers.
	Licenses for short numbers / routing

		Licenses for location-independent numbers.
		Freephone number licenses/ Premium rate
		Authorization for carrying out installation, operation, management, maintenance activities
		General authorization in electronic communications (registered in the Public Register of providers of public electronic communications networks and electronic communications services intended for the public under no. 09 / 29.09.2008)
„ARAX S.R.L.	IMPEX”	Licenses for landline numbers.
		Licenses for short numbers / routing numbers.
		Licenses for location-independent numbers.
		General authorization in electronic communications (registered in the Public Register of providers of public electronic communications networks and electronic communications services intended for the public under no. 27 / 11.11.2008)
„STARNET SOLUȚII” SRL		Licenses for landline numbers.
		Licenses for location-independent numbers.
		Licenses for short numbers / routing numbers.
		Licenses for Premium rate numbers.
		General authorization in electronic communications (registered in the Public Register of providers of public electronic communications networks and electronic communications services intended for the public under no. 594 / 04.12.2013)

## 21. What strategic electronic communications alliances exist in Moldova?

At the national and international level legal entities acting in the field of electronic communication are members of the following alliances:

- *Moldovan Association of Information and Communications Technology Companies (ATIC)*. Established in 2006, ATIC is the action leading association and the voice of the Moldovan ICT industry. Its mission is to promote the development of the ICT sector in the Republic of Moldova through viable partnerships between companies, similar organizations, universities, state institutions, international organizations in order to enhance the development of the sector and members capacities, enlarge the market, improve the ICT workforce capacities, protect current investments in the country and participate in the decision making and regulatory process on the national and international level.
- *Foreign Investors Association (FIA)*;
- *GSMA*.

**22. What type of cost accounting system is used by the main public network operator(s) and/or the operators with significant market power?**

By the Decision of the Board of Directors of ANRCETI no. 09/2011 were approved the Instructions regarding the implementation by S.A. “Moldtelecom” of the separate accounting records within the internal management accounting. S.A. “Moldtelecom, as a supplier with a significant position, has that obligation in relation to its significant power on several markets: the market for the termination of voice calls in the individual fixed telephony network, the market for wholesale access to network infrastructure at a fixed point and in the broadband access market.

**23. Please provide information on the number of internet users, based on the different (access) technologies.**

<b>BB technology</b>	<b>Q4, 2021</b>
FTTx	610 643
xDSL	104 272
Coaxial cable	45 352
Other technologies	2 066
Total BB subscribers	762 333

**24. Describe the situation as regards infrastructure access to cables and ducts, as well as the extent of facility sharing.**

Providers of public electronic communications networks have the right of access to public electronic communications networks and associated infrastructure, as well as interconnection under the conditions of Chapter VI of Law no. 241/2007 as well as the Law on access to property and shared use of associated infrastructure to public communications networks no. 28/2016 (Law no. 28/2016).

According to art. 49 of Law no. 241/2007, if, following a market analysis carried out in accordance with the law, a provider of electronic communications is designated as having significant power in a relevant market, ANRCETI imposes on it, in the established manner, one or more of the following obligations: transparency relating to the interconnection of networks or access to such networks or associated infrastructure; publication of the reference offer; non-discrimination in connection with interconnection or access; separate accounting records; providing accounting records; ensuring access some specific elements of the network and associated infrastructure; recovery of investments, control of tariffs



and their substantiation according to costs; presentation of all the information that was the basis for setting the tariffs and adjusting these tariffs.

Providers of public electronic communications networks have the right to shared use of the physical infrastructure of providers who are not designated as having significant power in a relevant market under the conditions of Law no. 28/2016 and of the Civil Code of the Republic of Moldova no. 1107/2002. The persons who own or manage the physical infrastructure have the obligation to negotiate in good faith with these providers contracts for the shared use of the physical infrastructure that they own or manage. The right of shared use of the physical infrastructure and the conditions of use by the providers of public electronic communications networks exclusively for their own needs shall be negotiated by the parties in accordance with the law. According to art. 7 of the law no. 28/2016, the conditions of shared use of the physical infrastructure, will be made public and will be accessible to all interested parties and will respect the principles of transparency, proportionality, objectivity and will be non-discriminatory against all providers of public electronic communications networks.

## II. INFORMATION SOCIETY SERVICES

### A. Policy

**25. Please describe the institutional framework of the sector, with reference to the relevant government bodies, the role of the parliament and possible other organisations or institutions. Is there any policy initiative similar to the strategy ‘Shaping Europe’s Digital Future’ or the Digital Compass? If so, please provide a translated copy.**

Pursuant to Articles 60 and 72 of the Constitution of the Republic of Moldova, *the Parliament* is the only legislative authority of the state and it passes constitutional laws, organic and ordinary laws, including in the area of information society development. The Committee on Economy, Budget and Finances is the Parliament’s standing working body with duties relating to the examination of draft legislative acts in the field of information society.

Pursuant to Article 4 of the Law no. 136/2017 on Government, information technology is one of the areas where *the Government* conducts its activity. Therefore, to implement the state’s domestic and foreign policy in this area, the Government approves policy documents (strategies and programmes) and normative acts.

Within the Government, *the Deputy Prime Minister for Digitalization* (DPMD), perform the following functions in the area of digitalization: 1) public sector innovation; 2) modernization of public services and administrative processes; 3) application of information and communication technology in the public sector; 4) development of the information society.

Pursuant to Article 5 of the Law no. 1069/2000 on informatics, the *Ministry of Economy* is the central specialised authority drafting the policy documents and normative acts in the field of informatics and IT, whose competencies are determined by the Government. Additionally, pursuant art. 23 of the Law no. 467/2003 on informatisation and state information resources, the Ministry of Economy is the central specialised authority drafting the policy documents and normative acts in the field of informatisation, state information systems and resources.

Pursuant to the Law no. 1069/2000, *the National Regulatory Agency for Electronic Communications and Information Technology* (ANRCETI) is the central administrative authority regulating the activity in the field of informatics and IT.

Furthermore, Law no. 467/2003 supplements the institutional framework in the area of state information systems and resources, establishing the core competencies of some public institutions as well, such as the E-Governance Agency, Information Technology and Cyber Security Service and Public Services Agency.

Thus, *Public Institution „Electronic Governance Agency”* is a public institution whose activity aims to improve the quality of governance and public services through the intensive application of information and communication technologies. Its mission is to implement the policies of modernization of government services and e-Transformation of government within the specialized central public administration, by offering effective solutions to increase the quality of government services and the act of governing. The Agency's areas of competence are the following: 1) modernization of government services; 2) e-Government transformation; 3) interoperability; 4) cyber security audit; 5) other areas assigned to the Agency by normative acts.

*Public Institution „Public Services Agency”* is a public institution, founded by the Government and delegating the function of founder to the State Chancellery, and whose activity aims to facilitate and streamline the process of providing public services. Its mission is to coordinate and organize activities aimed at ensuring the implementation of public policies in the areas of competence established by its statute. The Agency's areas of competence are: 1) information technology, state records and state information resources, including the creation, operation and registration of state information resources, state information systems, state records of the population, transport and drivers means, as well as the production of strict evidence forms and state signs; 2) state registration of civil status documents and possession of the national archival fund; 3) creation and maintenance of the real estate cadaster, other information systems and domain registers, execution of cadastral works and real estate evaluation works, administration of the central database of real estate cadaster, conducting the state registration of real estate and rights over them; 4) the regulation by licensing of the entrepreneurial activity, in accordance with the legislation; 5) state registration of legal entities, their subsidiaries and representations, and of natural persons individual entrepreneurs; 6) other areas assigned in the competence of the Agency by the normative acts.

*Public Institution „Information Technology and Cyber Security Service” (STISC).* Is an operator of government electronic services, STISC has the mission to ensure the administration, maintenance and development of information technology infrastructure, telecommunications system of public administration authorities, as part of the special communications network and state information systems, the management of the unique infrastructure of the Government public key, as well as the implementation of the state policy in the field of cyber security.

*Agency for Consumer Protection and Market Surveillance.* Is the administrative authority subordinated to the Ministry of Economy, which is responsible for the implementation of the state policy in the fields of activity entrusted to it. Thus, the Agency performs the functions in the following areas: 1) market surveillance of non-food products and compliance of services (including tourism); 2) consumer protection; 3) metrology; 4) state supervision and control of gambling activities; 5) occupational safety; 6) compliance with the licensing conditions according to the field of competence.

In addition to these authorities, there are other authorities and public institutions responsible for the development and implementation of sector-based information systems (finances, healthcare, justice, etc.) with a view to carrying out activities within their area of competence.

Concerning the availability of a policy initiative in the field of digital transformation, we shall highlight that the governmental efforts in terms of the country's latest e-development were built by the national strategies "Electronic Moldova" (2005) and "Digital Moldova" (2013), by the E-Transformation Project (2011) and other normative acts and policy documents.

The *National Strategy for the Development of Information Society „Digital Moldova 2020”* (Government Decision no. 857 of 31 October 2013 on the National Strategy for the Development of Information Society 'Digital Moldova 2020'<sup>71</sup>) has been finalized and another strategy has not yet been adopted. The vision, objectives and priority actions for the period up to 2020 of the Digital Moldova Strategy have been formulated according to the example and priorities of the European Union and of the most advanced countries in the digital field.

The general objective of the strategy was the creation of favorable conditions for the development and widespread use of ICT potential by public institutions, business and citizens in order to achieve their economic, social and cultural goals for the benefit of all, by focusing on three development pillars: Pillar I: Infrastructure and access - improving connectivity and network access; Pillar II: Digital content and electronic services - promoting the generation of digital content and services; Pillar III: Capacities and use - strengthening digital literacy and competencies to enable innovation and use.

Considering the global and European trends, but also Moldova's digital readiness for digital transformation, a new policy document is being drafted, i.e. the Digital Transformation Strategy of the Republic of Moldova. The Digital Transformation Strategy will cover a large variety of preconditions, including understanding the benefits of being online, motivation, trust, skills, technical aspects and elements, database interconnectivity and interoperability, internet access, unified service, design approach, closure of digital gap, etc.

**26. The Commission adopted in 2020 a Communication on a European Strategy for data (COM(2020) 66 final). Is there any policy initiative or already existing legal framework supporting the strategic vision for the creation of a genuine single market for data?**

As part of the Government's Action Plan for 2021-2022, approved by the Government Decision no. 235/2021, it was planned to develop a draft law on data governance and the related legal regime.

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<sup>71</sup> [https://www.legis.md/cautare/getResults?doc\\_id=49441&lang=ro](https://www.legis.md/cautare/getResults?doc_id=49441&lang=ro)

It should also be mentioned that aspects regarding the Republic of Moldova's strategic vision on data, including for the establishment of a data market, will be reflected in the Strategy for Digital Transformation of the Republic of Moldova.

**27. The Commission proposal for a Data Governance Act (COM(2020) 767 final) includes a number of legislative measures for supporting decisions on what data can be used in which situations, for facilitating cross-border data use, and for prioritising interoperability requirements and standards within and across sectors. Is there any regulatory framework planned or already in force addressing these issues?**

In order to ensure an efficient data exchange within the public sector, as well as between the public and private sectors, the Interoperability Framework is implemented, which is regulated by Law no. 142/2018 on data exchange and interoperability<sup>72</sup>, and Government Decision no. 211/2019 on the interoperability platform (MConnect)<sup>73</sup>. We would like to mention that the national normative framework in this field was based on the European Interoperability Framework, as well as the good international practices. In accordance with the provisions of Law no.142/2018 on data exchange and interoperability and Government Decision no.211/2019, the Interoperability Platform (MConnect) was established to facilitate and streamline data exchange and interoperability in order to increase the quality of public services provided, create new electronic public services and ensure information security, including all the technical, organizational, institutional and legal elements necessary to ensure the exchange of data.

The implementation of the interoperability framework through the MConnect Platform aims to achieve the following objectives:

- Ensuring the interoperability of information resources in the public sector through the efficient and secure operation of the data exchange platform, connecting state information resources and ensuring the availability of administrative data;
- Guaranteeing the quality and operability of the decision-making act by ensuring real-time access to authentic, complete and truthful administrative data, without requesting them from citizens;
- Creating the favorable framework for optimizing public services, increasing the supply of electronic services by reusing information, automating operational and functional processes.

Overall, more than 350 data exchange scenarios have been configured so far. The assimilation of MConnect and its smart use by the authorities in the reform of the modernization of public administrative services makes the platform a key product in the modernization agenda.

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<sup>72</sup> [https://www.legis.md/cautare/getResults?doc\\_id=124789&lang=ro](https://www.legis.md/cautare/getResults?doc_id=124789&lang=ro)

<sup>73</sup> [https://www.legis.md/search/getResults?doc\\_id=128349&lang=en](https://www.legis.md/search/getResults?doc_id=128349&lang=en)

### *Competent authority*

Electronic Governance Agency is designated, in accordance with art.3 of Law no. 142/2018, as the competent authority for ensuring the exchange of data and interoperability, as well as the role of owner and holder of the interoperability platform. Thus, the Agency is the institution responsible for ensuring the legal, semantic, organizational and technical interoperability and, respectively, for taking all necessary actions in this regard.

### *Principles*

The interoperability platform implements data exchange based on the following fundamental principles:

*Free Data* - data held by public participants is made available to other public participants free of charge. The provision of data held by public participants to private participants is carried out for consideration in the cases provided for by law and on the basis of the mechanism established by the Government;

*Data Availability* - The data held by the participants in the data exchange are equally available to any other participant in the data exchange, based on its legal mandate, ensuring the requirements of legal, organizational, semantic and technical interoperability;

*Legality of the Data Exchange* - the data held by the participants in the data exchange are provided through the interoperability platform to another participant provided that he invokes a purpose and a legal basis for the processing of the requested data set and complies with security and confidentiality requirements the legal regime of the data concerned;

*Data Authenticity* - the data in the information systems of the participants in the data exchange, provided through the interoperability platform, are presumed to be authentic, are considered complete and truthful and are the basis of legal acts, and data providers are obliged to ensure integrity and their veracity;

*Shared Responsibility* - each of the participants in the data exchange is responsible, depending on their role in the data exchange process, for that part of the process.

### *The Government Data Portal*

The Government Data Portal is a public information resource, created in order to ensure a qualitative, holistic and integrated experience for all those interested in accessing and using data that is collected and produced by authorities, public institutions, Government in general. Moreover, the data consumers who do not have information systems capable of automated data consumption through the MConnect platform can access that data using the data access service. The "Data

with authorized access" module of the Government Data Portal is an interface for data exchange participants who do not have their own information system but need to consume data to perform their legal duties. Thus, the Module offers the possibility for the entities to access authentic, honest and truthful data, from state registers and information systems, in real time, in relation to their rights, basis and concrete legal purpose. The data displayed through this interface is downloaded automatically and in real time via the MConnect platform. The objective of the service is to ensure controlled access to information for entities that have a legal basis and purpose to process specific sets of data, in order to perform their legal duties, perform tasks of public interest, provide services, exercise public authority or exponents of state power. As a conclusion, the data with authorized access are intended for users, entities, which in accordance with the provisions of art.3 of Law no.142/2018 on data exchange and interoperability have the role of participants in data exchange.

### *Semantic catalog*

By Government Decision 323/2021 was approved the Concept of the Information System "Semantic Catalog" and the Regulation on how to keep the Register formed by the Information System "Semantic Catalog".<sup>74</sup>

Thus, the subsequent implementation of the semantic catalog would automate the management of and access to semantic assets using IT mechanisms, which will certainly boost the specific processes of data exchange and help to optimize data collection and storage. The semantic catalog is a key information system in configuring and managing the inventory of semantic assets held by legal entities in the Republic of Moldova. In this regard, the Semantic Catalog will be the key information resource that will provide updated data on semantic assets available in the Republic of Moldova, as well as the values of interoperability metadata for interaction with the MConnect interoperability platform.

In addition, the provisions of Chapter 3 of Law no.142/2018 regulate the specifics of cross-border cooperation in the field of interoperability and data exchange. Complementary, the aspects regarding the cross-border transmission of personal data are also regulated by the provisions of Chapter VII of Law no. 133/2011 on the protection of personal data.<sup>75</sup> Accordingly, the transmission of personal data shall be permitted and carried out, taking into account the principle of free movement of data, to the Member States of the European Economic Area and the States ensuring an adequate level of protection of personal data.

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<sup>74</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128748&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128748&lang=ro)

<sup>75</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129123&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129123&lang=ro)

**28. Do you use performance indicators to monitor progress on digitalization in the public and private sectors?**

The Republic of Moldova lacks a universal mechanism of performance indicators to monitor the progress on digitalisation of public and private sectors.

However, a series of key performance indicators were set up and monitored during the Governance E-Transformation (GeT) Project. They convey an objective and complete picture concerning the level of access, the perception and support of the population to e-governance products, the degree of confidence in the quality and security of public services provided by state authorities, the digitalisation progress in the public and private sectors. Between 2012-2016 during the GeT Project, these indicators tracked the progress on some aspects related to public sector digitalisation, such as *data sets available on the OGD website; uptake of shared eGov infrastructure MCloud, etc.*

Since 2019, EGA conducts the National Annual Survey within the project “Modernisation of governmental public services” (MGPS) to assess the opinion of Republic of Moldova’s citizens concerning the degree of satisfaction with the quality and efficiency of e-public services. The indicators monitored by the MGPS are both quantitative and qualitative and track the *degree of e-public services use, degree of satisfaction, and population’s openness towards the use of e-public services*. The project monitors, through the Outcomes Framework, certain performance indicators, among which are the *number of automated public services at levels 3 or 4*. The Indicator monitors the cumulative number of automated services at levels 3 and/or 4, in line with the maturity level of the UN’s four stages of E-government. According to this model, Level 3 corresponds to transaction services: a two-way interaction with citizens is possible; Level 4 corresponds to “connected services”.

The Digital Economy and Society Index (DESI) indicators were not yet collected in the Republic of Moldova and therefore the data which summarizes the national level of digital performance and the evolution in terms of digital competitiveness can only be extracted from different studies, reports and surveys. Currently, the DESI indicators are being piloted in the country and are planned to be collected by the National Bureau of Statistics starting from 2023.

The Republic of Moldova initiated the development of Digital Transformation Strategy for the years 2022-2030, whose general objective is to create a functional and safe environment for the growth and large-scale use of digital solutions in all the fields. Each objective set out in the Strategy will be accompanied by a set of key performance indicators that will, later on, be measured and applied to assess the progress in digitalisation of the public and private sectors.



**29. Is there a broadband strategy and if so, how is it coordinated in Moldova?**

*The Broadband Development Program 2018-2020*<sup>76</sup> was approved by Government Decision no. 629/2018 aiming to boost network access. Even if the program was targeting the elimination of constraints to further network access development, without appropriate financial support it had a lower-than-expected impact.

This Program had following impact:

- establishing the mechanism for measuring, evaluating, and publishing data on quality parameters of publicly available electronic communications services;
- enforcing the internal legal framework for consumer protection and guaranteeing the right of access to the Internet;
- continuous harmonizing of the Radio Frequency Assignment Table in line with the regional/ EU agreements and practice;
- extensive gap analysis of Law no. 28/2016, with the World Bank and EU4Digital support, to ensure its compliance with the provisions of Directive 2014/61/EU of May 15, 2014, on measures to reduce the cost of installing high-speed electronic communications networks;
- WB Study on the simplification of the procedure for authorizing the construction/installation of elements of public electronic communications networks and the infrastructure elements associated with these networks was elaborated;
- WB Recommendation on uninterrupted electricity provision of base stations of mobile electronic communications networks was elaborated;

The new broadband strategy shall be approved after adoption by the Parliament of the new National Development Strategy, “Moldova 2030,” aligned with both the EU Association Agreement and the UN’s 2030 Agenda for Sustainable Development.

**30. What body is in charge of the information society policies, including its implementation?**

The body which is in charge of the information society policies is the Deputy Prime Minister for Digitalization (DPMD) (Government Decision no. 118 of 12 August 2021 on establishing the Deputy Prime Minister's areas of competence for digitalization and amending some normative acts<sup>77</sup>).

According to the GD, DPMD coordinates the following areas of activity: 1) public sector innovation; 2) modernization of public services and administrative

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<sup>76</sup> [https://www.legis.md/cautare/getResults?doc\\_id=108759&lang=ro](https://www.legis.md/cautare/getResults?doc_id=108759&lang=ro)

<sup>77</sup> [https://www.legis.md/cautare/getResults?doc\\_id=127383&lang=ro](https://www.legis.md/cautare/getResults?doc_id=127383&lang=ro)

processes; 3) application of information and communication technology in the public sector; 4) development of the information society.

Public institution *Electronic Governance Agency* and public institution *Information Technology and Cyber Security Service* provides the implementation of information society policies according to their specific areas of competence.

**31. What is the budget allocated to the policy, what is the administrative capacity and what are the implementation mechanisms?**

There is no dedicated agency for the implementation of information society policies.

Public Institution e-Governance Agency, Public Institution Public Services Agency and Public Institution Information Technology and Cyber Security Service are responsible for their part of the IS policies implementation, according to the mandate described above.

Typically, all capital investments for policy implementation are done through externally financed projects while maintenance activities are financed from the state budget.

**32. What is your digital strategy concerning cultural heritage (CH)? What rules or measures do you have concerning its digital preservation?**

Digitization of cultural heritage is one of the priorities of the Republic of Moldova in the cultural field. Although, at present, a digital strategy on cultural heritage is not approved, the relevant legislation supports the need to develop the cultural information space, protect and capitalize on national heritage and ensure free access to national and universal cultural values for all members of society by implementing new information technologies and communications. The purpose of the Republic of Moldova is to develop the vision of digitizing the sphere of culture and the existing infrastructure in order to create a unique informational space of the cultural heritage and to facilitate the preservation and promotion of the country's culture in an environment of globalization.

Given that the strategies and programs aimed at digitizing the cultural heritage have expired, the National Strategy for the Development of the Information Society "Digital Moldova 2020"<sup>78</sup>, the Strategy for the Development of Culture "Culture 2020"<sup>79</sup>, the National Program for Informatisation of the Cultural Sphere

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<sup>78</sup> Government Decision No. 857/2013 on the National Strategy for the Development of the Information Society "Digital Moldova 2020", available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=49441&lang=ro](https://www.legis.md/cautare/getResults?doc_id=49441&lang=ro)

<sup>79</sup> Government Decision No. 271/2014 on the approval of the Culture Development Strategy "Culture 2020" and the Action Plan on its implementation, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=60253&lang=ro](https://www.legis.md/cautare/getResults?doc_id=60253&lang=ro)

for 2012-2020, approved by Government Decision No. 478/2012<sup>80</sup>, the draft Digital Transformation Strategy of the Republic of Moldova 2022-2030 is currently being developed, in accordance with the Government's commitment as part of the EU-Moldova Association Agreement and the future Moldova 2030 strategy (with the support of the United Nations Development Program).

The main objectives are:

- Development of a national vision / strategy for the digital transformation of the Moldovan society;
- Digitize public services for citizens and the business sector by engaging and encouraging the participation of the private ICT sector and innovative entities to contribute to the digital transformation of society;
- Testing a portfolio approach to accelerate the development of digital skills, both in the public and private sectors, which would facilitate inclusive digital transformation;
- Creating in partnership with the Government of the Republic of Moldova new digital data / evidence platforms and their use, both for informing policy development processes and in various experimental analysis activities;
- Supporting transformational changes in organizational and innovation culture in the public and private sectors and involving all participants in the accelerated achievement of the Sustainable Development Agenda and nationalized targets;
- Support the digitization of the Republic of Moldova, which will contribute to improved governance by increasing the efficiency and effectiveness of governance processes.

At present, there is no unified system for digitizing cultural heritage objectives in the Republic of Moldova. In the Twinning Project "Support for the promotion of cultural heritage in the Republic of Moldova, through its preservation and protection", implemented by the Ministry of Education, Culture and Research of the Republic of Moldova and the Italian Ministry of Culture and Cultural Heritage and funded by the European Union, Italian experts assisted the specialists from the Republic of Moldova in order to establish a clear vision regarding the digitization of cultural heritage and the elaboration of tools, standards and norms for cataloging the different categories of heritage. One of the main components of the project was to provide assistance for the classification, documentation and digital cataloging of immovable cultural heritage. Thus, the main steps to be taken were determined, the plan on digitization and documentation of protected monuments and sites in the Republic of Moldova was developed. Currently, the Republic of Moldova is in

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<sup>80</sup>Government Decision No. 478/2012 on the National Program for the informatisation of the sphere of culture for the years 2012-2020, available in Romanian at:  
[https://www.legis.md/cautare/getResults?doc\\_id=20148&lang=ro](https://www.legis.md/cautare/getResults?doc_id=20148&lang=ro)

the process of implementing the recommendations presented by the experts of the Twinning Project.

The digitization of the movable cultural heritage is carried out on the basis of the registers of the owners of goods - museums, libraries, archives, etc. In each institution the digitization process is carried out on the basis of its own program, incompatible with the programs of other similar institutions, which prevents the creation of a national database. The primary files, which are the primary source of information for digitization, are also different in each institution. In order to create the national database, boost the process of digitizing the national mobile cultural heritage and administer the National Register of National Mobile Cultural Heritage, it is necessary to create a single operating system with databases and centralize the tasks listed in an institution under the Ministry of Culture. Currently, the National Register of Mobile National Cultural Heritage is managed by the specialized department of the Ministry of Culture based on the classification files and the opinions of the National Commission of Museums and Collections.

The Ministry of Culture has created a unique tool for all museums in the Republic of Moldova - the Electronic Register of Movable Cultural Goods, which will allow the transfer of data on classified movable cultural goods to the National Register of Movable National Cultural Heritage.

In 2021, in partnership with the International Telecommunication Union, The Moldova Digital Transformation Compact was developed in order to highlight the main gaps and opportunities of Moldova's digital transformation. The compact will serve as a valuable contribution to Moldova's future Digital Vision and Strategy.

One of the objectives to be achieved at the same time as the creation of unique digital systems is the development of a cyber security culture of users (which may be public institutions, private institutions, individuals) information and communication systems, often insufficiently informed about potential risks, but also about solutions to counteract them.

**33. What kind (number, type, formats, value, volumes, licensing available) of CH objects and monuments have you digitised? Do you have other CH datasets available? What would the barriers be to share and reuse such digitised objects and datasets in Europeana and the future Data Space for Cultural Heritage?**

In order to digitize the cultural heritage, Republic of Moldova, and more specifically, the Ministry of Culture operates with several sets of data and registers for each domain of the heritage.

The promotion of the immovable cultural heritage through information technologies is represented by the application "E-Patrimoniu" ( E-Heritage), created by the Monuments Inspection Agency within the platform [www.e-patrimoniu.md](http://www.e-patrimoniu.md). The map "E-Patrimoniu" is a product created in ArcGIS by

RoyalMap in collaboration with the Moldovan Monument Inspection Agency. ArcGIS is software used worldwide for creating and using maps, compiling geographic data, analyzing map information, disseminating and discovering geographic information, using maps and geographic information in a variety of applications, and managing geographic information in a database. Royal Map is a private company specializing in GIS data and one of the few companies that is licensed and collaborates with ArcGIS.

Currently, the “E-Patrimoniul” Map is in the process of being set up and is designed to provide an online, interactive database with reference to all historical buildings in Moldova, those that are protected and / or deserve to be protected by the state. For each monument, the database contains the following fields and filters: Registered name, alternate name, address, global ID (if necessary, UUID will be used to connect to other databases), city, district / municipality, number cadastral, associated cadastral numbers, private / public / mixed property, historical periods (pre-Tsarist, Tsarist, interwar, Soviet, post-Soviet), exact period of construction (if known), significance (historical, artistic, architectural), purpose of building (religious, administrative building, masonry, residential, commercial, educational, industrial, cultural, other), style and architectural elements (neoclassical, neo-Romanian, modern Romanian, modern, eclectic, neo-Gothic, art deco, traditional, art nouveau, others ), name of architect, condition (intact, mutilated, ruined, demolished, etc.), protected status (if yes, then National / Local, Registration Number / Code, year of entry in the register , year of withdrawal from the register), architectural elements (doors / gates, iron elements, paving roof, inscriptions, columns, statues, archeological site, protected vegetation, others), Tags (information taken from credible sources and included in the database data to facilitate the online search for a monument, such as: the names of former owners, historical events and people related to buildings, etc., as well as the general description of the monument. Royal Map was able to extract and place 3,200 monuments on the map.

At the moment, the only structured database is the one hosted by the National Geoportal; however, it is possible to coordinate the work done for the map "E - Heritage" with the existing one on the Geoportal.

The digitized map of the archeological sites is placed on the platform of the national geospatial data portal [www.geoportal.md](http://www.geoportal.md) and contains 10200 sites. This includes the polygons of the surface areas of the sites. Each polygon contains information on the site code of the National Archaeological Register, the name of the site and the chronological classification of the site. By accessing the related layers present on the platform, data from the real estate cadastre, the boundaries of the administrative-territorial units, the relief, the water basins and other geospatial data can be viewed. For security reasons, the digitized map is only accessible to specialists who have a special login account. However, the National Archaeological Register is available to the public.

Museums have an electronic register of records of movable cultural property, an information system that aims to ensure the evidence and digitization of museum collections. National museums have created virtual networks and products that can be accessed online. Some of the museum's collections and collections are digitized. The register of museums in the Republic of Moldova can be accessed at the following link:

[https://mecc.gov.md/sites/default/files/registrul\\_muzeelor\\_redactat.pdf](https://mecc.gov.md/sites/default/files/registrul_muzeelor_redactat.pdf)

The Moldavan National Digital Library was created in the Republic of Moldova, offering access to about 6,600 digital objects and 790,000 digitized pages of written cultural heritage, including books, manuscripts, old and rare prints, and other heritage documents<sup>81</sup>.

In order to facilitate the process of protection and conservation of cultural heritage, the Ministry of Culture has developed a series of electronic tools:

- The record of monuments of national category (genre: architecture, archeology and history, including tombs and war memorials) is kept in the Register of monuments of the Republic of Moldova protected by the state, approved by Parliament Decision No. 1531/1993<sup>82</sup> for the implementation of the Law on the protection of monuments. In digital format the Register of Monuments can be accessed through the State Register of Legal Acts.
- For public monuments with national protection status are registered in the National Register of for public monuments, approved by Law No. 192/2011<sup>83</sup>. The elaboration of the National Register, as well as the centralized evidence of the for public monuments of national category on the territory of the Republic of Moldova, is the competence of the Ministry of Culture.
- In the national register of for public monuments, 113 monuments with national protection status are registered (genre: volumetric spatial compositions, bust statues, commemorative plaques with sculptural relief)
- The evidence, inventory, maintenance, conservation and restoration of public monuments are carried out in accordance with the scientific and technical norms in the field. The protection of public monuments is a component part of the strategies of sustainable economic-social development, tourism, urban planning and spatial planning, at national and local level.
- The Register of Public Monuments can be accessed through the State Register of Legal Acts.
- The National Register of Intangible Cultural Heritage is a mandatory list for the state to record the elements that make up the intangible cultural

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<sup>81</sup> <http://www.moldavica.bnrm.md/>

<sup>82</sup> Parliament Decision no. 1531/1993 for the implementation of the Law on the protection of monuments, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=85370&lang=ro](https://www.legis.md/cautare/getResults?doc_id=85370&lang=ro)

<sup>83</sup> Law No. 192/2011 on for public monumets, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=106450&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106450&lang=ro)

heritage on the territory of the Republic of Moldova and contains 512 elements. It can be accessed on the website <https://patrimoniuiumaterial.md/>, being available in Romanian and English. The site contains information on the elements inscribed in the UNESCO Representative List of the Intangible Cultural Heritage of Humanity and in the National Register of Intangible Heritage, with explanatory texts, photo and video images.

- The register of the movable national cultural heritage represents an inventory of the movable cultural goods classified in the movable national cultural heritage and currently contains 561 pieces from the collections of the national museums.
- According to the annual statistical data 6-c, for the year 2021, regarding the activity of the libraries from the National Library System<sup>84</sup> the number of documents created in digital form or digitized by libraries constitutes 28610.

According to Art. 33 of the Law No.160/2017<sup>85</sup> on Libraries, the National Library of the Republic of Moldova constitutes the National Digital Library “Moldavica”, as a component part of EUROPEANA. This includes documents that are part of the national mobile cultural heritage, held by libraries, museums and archives. Currently, the National Digital Library "Moldavica" includes 8278 digital objects of documents from eight categories of publications<sup>86</sup>.

The data presented above can be easily interspersed in European cultural heritage digitization systems. We believe that there will be no obstacles in the process of data transfer.

## **B. Basic data on Internet access**

### **34. Please provide Internet access rates and speeds for:**

- a) schools, both primary and secondary education;**
- b) households;**
- c) enterprises, per size (SMEs, medium, large) and sector if possible.**

In 2021, primary and general secondary schools had 37.0 thousand computers used for educational purposes (or about 23% more than in the school year 2020/21), of which 18.1 thousand (48.9%) are connected to the shared school network and 31.4 thousand (84.9%) have an Internet connection. At the same time, 20.1 thousand computers are used by pupils, 15.9 thousand by teaching staff, and one thousand computers are used in libraries. Compared to the academic year 2020/21 both the

<sup>84</sup> <http://bnrm.md/index.php/profesional/statistica/statistica-de-biblioteca>)

<sup>85</sup> Law No.160/2017 on Libraries, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=120694&lang=ro](https://www.legis.md/cautare/getResults?doc_id=120694&lang=ro)

<sup>86</sup> <http://www.moldavica.bnrm.md/index.html>

number of computers used by students (by 17.5%) and teaching staff (by 31.4%) has increased.

In 2021, early education institutions had 5700 computers, of which 3812 (or 66.9%) computers were used for educational purposes compared to 3250 computers in 2020. Of the total number of computers, 82% had an internet connection, up from 2020 by 6.5 p.p.

	< 2 Mbps	2-10 Mbps	10-30 Mbps	30-100 Mbps	>100 Mbps
b. Households	0,94%	0,39%	14,8%	50,85%	33,02%
c. Enterprises	3,72%	8,26%	31,73%	20,60%	35,69%

## C. Research

### 35. What is the specific public policy for promoting and supporting research on Information Society Technologies (ISTs)?

The public policy for promoting and supporting research on Information Society Technologies is ensured by the Information Society Development Institute (ISDI) (*Government Decision no. 180 of 18 February 2008 on creation of the State Enterprise 'Information Society Development Institute'*<sup>87</sup>). ISDI ([www.idsi.md](http://www.idsi.md)) is a research institute focused on research and applications for information society development. It serves as an information and consultancy source, cooperating extensively with individuals and businesses interested in building an information society at national, regional and international levels. Since 2014, ISDI is a member of European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers.

Its mission is to become an institute of excellence, providing support through research and applications and acting as a cross-point for national and international organizations in areas of information and knowledge society.

Its research priorities are: 1) applied and prospective ("foresight") research on information society development; and 2) projects and applications of decision-support systems and S&T collaborative networks. Additionally, ISDI's focus areas are: information society policies; models and tools for information society development; information security; e-Government; open access, open data, big data and data mining, R&D management; eInfrastructure; Web Applications.

Main public policy document on research on IST is the National program in the fields of research and innovation for the years 2020-2023 and the Action Plan on its implementation (Annex no.1 to Government Decision no. 381/2019)

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<sup>87</sup> [https://www.legis.md/cautare/getResults?doc\\_id=11134&lang=ro](https://www.legis.md/cautare/getResults?doc_id=11134&lang=ro)



Strategic priority V. Economic competitiveness and innovative technologies.

Strategic direction: Information technology and digital development.

**36. What are the main universities, research institutes or centres active in IST research? In which domains?**

1. Vladimir Andrunachievici Institute of Mathematics and Computer Science, Academy of Science

2. Information Society Development Institute

- Scientific support and tools for information society development

3. Technical University of Moldova

- Faculty of Computers, Informatics and Microelectronics
- Faculty of Electronics and Telecommunications
- Automation and Computer Science
- Applied computer science
- Software engineering
- Information Management
- Robotics and mechatronics
- Information technology
- Information Security
- Computers and networks

4. State University of Moldova

- Faculty of Mathematics and Computer Science
- Department of Computer Science
- *List of study programs, level I Bachelor*
- Computer Science (Education Sciences)
- Applied computer science
- Informatics
- Information management
- Mathematics and Computer Science (Education Sciences)
- Applied mathematics
- *List of study programs, II level Master*
- Applied Computer Science
- Software Technologies

- Faculty of Law
- *Master Programme*
- Public law and electronic governance

#### 5. Academy of Economic Studies

- Faculty of Information Technologies and Economic Statistics
- Department of Informatics and Information Management
- *Undergraduate programs:*
- Applied Computer Science
- Information technology
- Information Security
- Cybernetics and Economic Informatics
- Information Security,
- Information Management,
- *Master's degree programs:*
- Information Management,
- Security of Information Systems

#### 6. Tiraspol State University

##### *Education Sciences:*

- Informatics;
- Mathematics and Physics;
- Mathematics and computer science;
- Physics and computer science;
- Computer science and mathematics;
- Computer science and physics;
- Geography and computer science;

##### *Exact Sciences:*

- Informatics

#### 7. "Alecu Russo" State University of Balti

##### *Undergraduate programs:*

- Mathematics and computer science
- Informatics
- Computer science (exact sciences)
- Engineering and management

##### *Master's degree programs:*

- Management of public services (120 credits)
- Database administration and WEB technologies (120 credits)
- WEB Programming (120 credits)

#### 8. Academy of Public Administration

*Master's program:*

- Information management in public administration

#### 9. "ION CREANGĂ" State Pedagogical University of Chişinău

*Undergraduate programs:*

- Informatics
- Mathematics and computer science

#### 10. Free International University of Moldova - ULIM

Faculty of Informatics, Engineering and Design

- Information technology
- Information Security
- Informatics

#### 11. Center of Excellence in Informatics and Informational Technologies

- Web application management
- Programming and analysis of program products
- Database administration
- Computer networks
- Operator for technical support of computers
- Computer technical support operator - Data entry, validation and processing operator

## D. Digital capacities

**37. Do you have digital capacities in your country in the sense of Digital Europe Programme, like for instance, HPC (High Performance Computing) centres, Cybersecurity centres, AI Testing and Experimentation Facilities, Data spaces, Digital Innovation Hubs?**

In order to boost the development of digital capacities, Moldova has made important steps towards strengthening the innovation ecosystem and developing the „soft” infrastructure. Thus, Moldova does have digital capacities in the sense of Digital Europe Programme, specifically in terms of Digital Innovation Hubs, as shortly described below:

- *The ICT Centre of Excellence Tekwill*, one of the biggest public private partnerships the project has developed programs to provide quality-driven content for all levels of education, as well as enhancing the startup ecosystem through activities directed towards building Moldova’s workforce in tech. The project invests into capacity building of the universities by creating a network of regional centers in the key regions of the country and of satellite centers around Chisinau. Moreover, Tekwill aims to improve the skills needed within the IT sector. Tekwill is created with the support of the United States Agency for International Development (USAID) and the Government of Sweden through Sida/Swedish International Development Agency in the framework of the project “Development of Moldova ICT Excellence Center” implemented by Moldovan Association of ICT Companies (ATIC) in partnership with Technical University of Moldova.
- *The Center for Creative Industries in Moldova Artcor* provides physical space and amenities for aspiring creative professionals, thus giving the opportunity for the development of an alternative learning platform to nurture creative talent and foster the emergence of new creative companies on the market.
- Situated in the heart of Chisinau, *iHub* provides over 2,000 m2 of co-working space and aims to bring together people, resources, experiences and content to support scalable IT innovation and business, boosting community collaboration and culture, and supporting the development of viable products created by IT entrepreneurs. Residents can enjoy a comfortable environment - workspaces perfectly suited to trends, needs and resources. Through iHUB, they have the ability to connect to local and international networks of investors, meet potential partners, access entrepreneurial events, take advantage of useful programs and transfer know-how.
- *Digital Park* - The co-working spaces for the creative community occupy two floors of the Digital Park which is the first technological park in Moldova designed as a complex ecosystem to host local and foreign IT companies, as well as those that promote creativity and innovation. For

private meetings there are conference rooms and separate offices with glass walls that will provide better soundproofing and design uniqueness. The co-working residents and guests will have access to fast internet, common and individual working areas, personal wardrobes, rooms for print copy and scan, lounge zones as well as fully equipped kitchen.

- *Generator Hub* - This HUB was set up to motivate the growth of the Moldovan IT sector by creating an accessible and adjustable common workspace, where startups in the field could gain a totally different experience, forming a community based on the exchange of know-how and ideas. Generator Hub is a coworking space for 60 people with unlimited WiFi access, printer, mini-kitchen, and so on. It also has space for events, with a capacity of about 100 seats. Beneficiaries can select between several types of subscription depending on the frequency of space use (fixed, flexible, day, team, event).
- *The digital-media production center MediaCor* - is the first center of excellence for digital-media production that marks a new stage in the development of Creative Industries in the Republic of Moldova. The creation of MediaCor was made possible by the partnership between the US Embassy, the United States Agency for International Development (USAID), the Governments of Sweden, the United Kingdom, the Ministry of Education and Research, the Ministry of Culture, the State University of Moldova and the COR Association. The center offers spaces for collaboration, production, filming and post-production that will allow students, professionals and production studios to make media products to the standards of the media industry, applying new technologies in step with global trends in digital media.
- *FabLab& Fab Lab network in Moldova*, which is constantly growing. Currently, this network includes Fab Lab Chisinau, which operates in the Technical University of Moldova, and in three Fab Labs within the district libraries of Cahul, Drochia and Ungheni. The regional Fab Labs are equipped with 3D printers, laser cutters, computerized sewing and embroidery machines, robotics sets and various electronic tools. They work on the same principle as all other Fab Labs around the world.
- *the Regional Center for Innovation and Technology Transfer in Balti*. It serves as an innovation and economic accelerator for the northern region of the country, providing students and young professionals access to laboratories, training rooms, co-working areas, and business offices for startups in ICT, automotive, fashion manufacturing, and other regional industries. It has a positive impact on over 4500 students of the University of Bălți Alecu Russo who benefit from laboratories, 3D printing areas, robotics, microelectronics, etc. Also, the companies in IT, creativity and road in the region can create collaboration, research and technological development projects within the center. The centre aims at setting a favorable and innovative business environment in the region.

- *the Digital IT Hub in Comrat*. It acts as a coworking center - for startups in order to preliminary test ideas based on the experience of the InnoCentre AI and the Ceadir-Lunga Business Incubator. The Hub is also an IT Park (incubation zone) - for existing entrepreneurs, potential investors and anchor companies "- customers of products and services in IT and BPO. In the same time, the Hub aims to be a Center of Competence and functions as a center for knowledge transfer, implementation of educational programs and business accelerators for unemployed youth and students, economic agents planning to do business in the IT and BPO sector.
- *The National Center for Digital Innovation in Education "Class of the Future"* - aims at the digital transformation of education, providing a friendly and inspiring learning space with interdisciplinary pedagogical approaches and innovative, through the use of digital technologies and equipment, which favors the process of student-centered learning. In the Future Class, students can develop the digital skills and competencies needed for the 21st century are encouraged and motivated to pursue careers in science, technology and engineering through promoting creative, collaborative, self-motivating and entrepreneurial training methods, project-based, integrating knowledge and skills in various subjects, especially: science, technology, engineering, arts and math (STEAM). Today, 42 high schools from the Clasa Viitorului network are part of the whole country and a National Center for Digital Innovation in Education. In every institution, they have friendly learning spaces with modern technologies and equipment and furniture have been arranged in a flexible manner, and teachers receive a range of training in the effective use of ICT for implementation in the educational process of interactive and innovative pedagogical methods.
- *FinTech Hub* - aims to catalyze national development strategies and programs, enhancing the entrepreneurial and educational capacity, as well as the research and development potential of higher education institutions in line with industry needs.
- *Centre for Innovation and Training in Digital Governance* was established under the e-Governance Agency, with a mission to ensure the development and implementation of programmes for training, development and strengthening of fundamental digital skills in order to reduce the digital gap, promote digital governance solutions and products, ensure a widespread uptake and use of information solutions. The Centre will serve as a focal point for all digital governance training and professional development initiatives, for the public sector, the private sector, academia and civil society as a whole.

*HPC (High Performance Computing) centres:*

- Center for Education and Research in Mathematics and Informatics - CECMI

*Cybersecurity centres:*

- Information Technology and Cyber Security Service - Public Institution “Information Technology and Cyber Security Service” is designated as the *Government Cyber Security Incident Response Center* based on the provisions of the Government Decision no. 482/2020 on the approval of necessary measures on ensuring cyber security on the governmental level and amending Government Decision no. 414/2018 on measures to consolidate data centers in the public sector and to rationalize the administration of state information systems.
- *Center of computer security incidents analysis of the national research and educational networking infrastructure*
- *CERT Orange Moldova*
- *Military CERT.*

**38. Please describe the status of the semiconductor and electronics ecosystem and market in your country.**

*Electronic equipment manufacturing* tradition has prevailed over the decades in our country, Moldova being known as the third largest supplier of electronic equipment in the former Soviet Union. The electronics industry represented the complexity covering the R&D activities, to subassemblies, and final goods i.e. OEMs. The High technical Education in Electronics with 2 Research Institutes in Nanotechnology and Applied Physics, as well as Technical and Vocational Education are assuring the continuity of the industry development. Today with more than 170 companies and 16,000 employees, the electronics industry is one of the most promising industrial sectors in the country in terms of contribution to GDP, job creation and attracting FDI. The modern electronics industry of Moldova is represented by companies producing hardware and software, electronic components and devices, smart meters, PLCs, PCBs, micro and nano conductors, etc., SMD and THT assembly, EMS and ECM, design and manufacture of electronic devices, nano and micro wires sensors.

In addition to production, Moldovan companies are also focused on research, development and engineering services, aiming to launch new products and technologies. The government offers an ecosystem aiming at developing the IT and research and development activities in natural sciences, engineering and biotechnology. These incentives provide a simplified tax regime aiming at development of the high-tech companies and attract new players and investors.

The interests of the Electronics industry are represented by the Association of Moldovan Electronics Companies (ACEM), which aims to become a catalyst for the electronics industry and a reliable dialogue partner for Moldovan decision-makers. ACEM's mission is to develop, promote and increase the competitiveness of the electronics industry including microelectronics, nanotechnologies,

embedded systems, software, R&D in the Republic of Moldova through viable partnerships between private companies, public authorities and other national organizations or International.

The success of the sector is the outcome of a solid technical and engineering foundation, relying on education and trainings in colleges and in the Technical University. The curricula of vocational schools and universities is continually controlled by the entire industry, to ensure compliance with the needs and standards of the sector. Moreover, the availability of a fully dual VET system allows companies to leverage highly skilled labor at an affordable cost.

### **Semiconductors**

Manufacturing semiconductor devices is an inherited competence from the Soviet past of the Republic of Moldova. In the 80's, Moldova used to have a large semiconductor manufacturing facility, producing micro-electronic integrated circuits for consumer electronics and defense industry. The company, called „Mezon” was one of the five largest micro-electronic enterprises in the former USSR with output of more than 130 million integrated circuits per year. The capacity of "Mezon" allowed the enterprise to have an efficient vertical integrated process including the complete production chain, from product development to final product, which allows an independent production of a whole range of high-technology products targeted at the mass market.

Nowadays, the manufacturing facility is not operational and there are no microchips manufacturing facilities. Moldova managed to keep and develop its engineering and R&D activities in the state research institutes, under the Academy of Science. However, building on the competences and the knowledge of its people, the Government of Moldova is targeting investment attraction in the semiconductor field, offering incentives for the companies operating in the electronics field. At this moment, the semiconductors ecosystem in Moldova covers:

- Semiconductor chip design and prototyping provided by private companies (engineering offices);
- Semiconductor devices Research and Development run by/ conducted by research institutes (Institute of Electronic Engineering and Nanotechnologies “D.Ghitu”; National Nanotechnology and Nanosensors Center; Institute of Applied Physics)

### **Semiconductors *R&D***

Semiconductors and nano-electronics advanced research activities are conducted at the National Nanotechnology and Nanosensors Center run by the Technical University of Moldova. The semiconductors research focuses on the development of new materials, aero-nanomaterials, nanosensors and nanodevices based on semiconductors. The Center for Nanotechnology and Nanosensors in Moldova is



the only center in the Central Eastern European region that can design and fabricate nanosensors on individual nanowires (or nanotubes, nanoflakes, nanorods) with diameters from 10 nm and up to micrometers.

These are the latest patents obtained by The Center for Nanotechnology and Nanosensors of Moldova in the semiconductors and nano-electronics domain:

- Copper oxide ethanol sensor, Patent MD 4495;
- Process for the manufacture of the moisture-stable hydrogen sensor, Patent MD 1588;
- Semiconductor oxide gas sensor (variants), Patent MD 4423;
- Process for obtaining Pd-Functionalized Eu-Doped ZnO columnar films, Patent of invention MD 4790;
- Process for functionalizing ZnO nanowires with Pd nanoparticles, Patent MD 4723;
- Process for producing a CuO-Fe<sub>2</sub>O<sub>3</sub> nanowire network on glass substrate, Patent MD 4791.

Moldovan researchers have remarkable research results in the semiconductors and nano-electronics domain, to just a few of them:

- The first nanostructured micro-submarine exhibiting both light-driven motion and cargo capabilities has been invented by Moldovan researchers. The micro-submarine consists of arrays of TiO<sub>2</sub> nanotubes working as nanoengines under UV illumination.
- Moldovan researchers have made the first ever highly porous, mechanically flexible and stretchable inorganic nanomaterial that is both hydrophilic and hydrophobic at the same time. The material is called aerogalnite (aero-GaN) and could be used in many practical applications due to its unique properties.
- Moldovan researchers have shown that living cells can be rearranged and transported using GaN nanoparticles and a magnetic field.

**39. What is the trade in raw materials or any other supply component relevant for the semiconductor and electronics market in your country?**

The local electronics manufacturing companies are importing from Asia and EU countries the majority of components (E.g. microchips, microprocessors, sensors, transistors) needed for the production and assembly of the end product. However, Republic of Moldova plays an important role in the supply chain for the electronics industry due to a local company's capacity and competence in producing laminates for PCB production, specifically:

- Copper-clad fiber glass laminates
- Copper-clad laminates for multilayer PCBs

- Copper-clad materials of microwave application
- Laminates for additive technologies PCB

The quality of these products is in line with international standards NEMA–LI 1, IPC 4101, IEC 60893, IEC 61212.

Another important supply component for the electronics industry produced by local Moldovan company are the micro wires in glass insulation combining lots of unique properties that are impossible to obtain with other materials.

The value of the delivered industrial production related to the electronics industry is an indicator calculated by the National Bureau of Statistics of Moldova.

The total value of the delivered industrial production of the economic activities under CAEM <sup>88</sup>C26 (manufacture of computer, electronic and optical products) for 2020 is reported 337,035.0 thousand MDL, out of which 282,718.9 thousand MDL (equivalent of 14.426,42 thousand EUR) was delivered to external market.

The total value of the delivered industrial production of the economic activities under CAEM C27 (manufacture of electrical equipment) for 2020 is reported 2,104,144.8 thousand MDL (equivalent of 107.369,12 thousand EUR at the exchange rate 1EURO = 19.59 MDL), out of which 1,626,853.1 thousand MDL (83.014,14 thousand EUR) was delivered to external market.

## **E. Public sector**

### **40. What are the public services offered on-line to citizens and businesses and their usage rates?**

#### **Agency for Public Services**

Digitization of the service delivery (supply) process is one of the priority directions of the PSA development. Today, 31 of the PSA services are available online as follows:

- 9 services for issuing civil status documents;
- 2 services in the field of issuing identity documents;
- 3 services in the field of registration and licensing of legal entities;
- 7 services in the field of real estate cadastre;
- 2 services in the field of drivers' documentation;
- 5 services in the field of vehicle registration;

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<sup>88</sup> Classification of Activities in the Moldovan Economy

- 2 services for information provision services by granting access to State registers;
- scheduling service when visiting the PSA territorial subdivision.

It should be mentioned that **6** out of all electronically supplied services are completely digitized. For the other **25** services, there exist only the possibility of electronic submission of the application.

In 2021, electronically were supplied **1287.8 thousand** services or **21,3 %** out of the total volume of services supplied by the PSA.

Detailed data on the number of electronically supplied services provided by the PSA in 2021 and their share in the total volume of services supplied are listed in the table below. The difference between the share of electronic service provisions in the total number of provided services is due to different digitalization level of PSA departments.

No.	Field (domain)	Total number of services provided	Number of electronically supplied services	Share of electronically supplied services
1.	Services for registration and record-keeping of population	1 464 451	13 108	0,9%
2.	Services for registration and licensing of legal entities;	231 934	15 565	6,7%
3.	Services for drivers' examination and documentation	484 983	183	0,04%
4.	Vehicle registration services	848 792	42	0,005%
5.	Cadastre services	1 521 266	32 515	2,1%
6.	Information services (including access to State registers and electronic programming)	1 230 991	1 226 390	99,6%
7.	Other services	272 833	0	0,0%
	TOTAL NO.	6 055 250	1 287 803	21,3%

### Customs Service

- the completion and registration of the detailed customs declaration by the customs brokers and declarants in their own name;
- submission of the application for the authorization of a customs warehouse, through SIA GEAP,
- payment of customs payments through MPay,
- signing of customs documents through the MSign digital signature,

- online access to contingency viewing ([www.trade.gov.md](http://www.trade.gov.md)),
- online access to searching and viewing the Combined Nomenclature ([www.trade.gov.md](http://www.trade.gov.md)),
- online access to the integrated tariff will be achieved shortly

## **Ministry of Internal Affairs**

Within the sphere of competence of the Ministry of Internal Affairs, the following services are offered online:

- Criminal record certificate (2019 - 165444 applications, 2020 - 84302 applications, 2021 - 112120 applications);
- Detailed criminal record certificate (2019 - 4883 applications, 2020 - 3793 applications, 2021 - 6914 applications)
- Misdemeanor record certificate (2019 - 17462 applications, 2020 - 13129 applications, 2021 - 19019 applications).

These services are requested exclusively online, without the physical interaction between the authority's representative and the applicant.

At the same time, during 2022, the Ministry of Internal Affairs is in the process of developing the possibility for the citizens to receive these services exclusively in digital form, within the citizen's personal page (cabinetul personal al cetățeanului), implemented by the Electronic Government Agency.

## **National Office of Social Insurance**

The National Office of Social Insurance continuously promotes electronic public services for citizens and presents the list of electronic services provided to applicants/beneficiaries of social benefits, as well as the share of electronic transactions for each service, as follows:

- Single indemnity at childbirth, usage rate - 33.70%;
- Monthly indemnity for child care up to the age of 2 years to uninsured persons, usage rate - 35.07%;
- Monthly indemnity for child rising till the age of 3 years to the insured persons, usage rate - 40.22%;
- Monthly support indemnity for rising twin or more children born from one pregnancy till the age of 3 years to insured and uninsured persons, usage rate - 35.80%;
- Paternal indemnity, usage rate - 42.54%;
- Establishment of old age pensions, usage rate - 0.13%;
- Establishment of disability pensions, usage rate - 0.30%;

- Re-examination of old-age pensions, usage rate - 47.68%;
- Re-examination of disability pensions, usage rate - 48.45%;
- Online programming for Territorial Offices of Social Insurance services, number of users - 42.20%;
- Information regarding the personal social insurance account, through the informational system “ACCES CPAS”, number of accesses of the personal account data - 48.15%.

### State Agency on Intellectual Property

The State Agency on Intellectual Property (AGEPI), in accordance with Law No. 114/2014 on the State Agency on Intellectual Property, provides intellectual property related services. In 2012, AGEPI launched the information system IS e-AGEPI (<https://e-servicii.agepi.gov.md>) which allows all interested persons to submit online applications for intellectual property objects (IPO). Since the launch of the system, the rate of online submitted applications has steadily increased. In 2021, the rate of online application reached 60% of the total IPO applications submitted to AGEPI.

Statistics on the rate of intellectual property applications submitted online for the last 5 years:

<b>Rate of online submitted applications, through IS e-AGEPI, in relation to the total number of applications submitted to AGEPI</b>					
	2017	2018	2019	2020	2021
Trademarks	44.60%	45.00%	44.00%	53.54%	60.00%
Inventions	10%	13%	0.09%	10%	7%
Short-Term Inventions	7%	13%	4%	1%	
ID	26%	35%	32%	42%	27%
Geographical Indications	3%	10%		10%	27%
Entry Register	11.06%	17%	18%	24%	30%

Since 2004, a public search service in the databases of intellectual property objects registered with AGEPI is available, online and free of charge, at the following link: <http://db.agepi.md>.

### State Tax Service

List of electronic services provided by the State Tax Service:

<b>No.</b>	<b>Full name of the service</b>	<b>Short description</b>
1	Place online orders for primary documents	The taxpayer is placing online orders and receives randomly generated ranges of series and numbers for primary documents. The series and numbers are to be used by businesses to print the primary documents.
2	Grant access to tax related e-Services & ensure an online communication with taxpayers	The service is used to grant access to e-Services and to manage the respective access.
3	Online registration of taxpayers	A taxpayer sends an online request for registration and receives the same way the Certificate of TIN assignment together with the Confirmation for tax registration.
4	e-Invoice management system via “e-Factura”	Used to create, draft, digitally sign and electronic circulation of tax invoices
5	Receipt and submission of electronic reports to STS, NSIH (CNAS), NMIC (CNAM), NBS through the one-stop shop for electronic reporting for legal entities	Used to generate, check and submit tax and statistical reports by businesses
6	Providing advanced and brief information on the taxpayer	Used to view information on legal entities according to advanced search filters
7	Presentation of information on tax liabilities through the Taxpayer’s Current Account	Access to information on taxpayers’ tax liabilities and checking of the current status of all arrears or overpayments to the National Public Budget.
8	Refund of overpaid income tax	Apply for income tax refund and receive the refund
9	Presentation of tax information based on the real estate file	View tax liabilities for the tax on real estate, tax on land and tax on wealth. Download the payment notices and/or payment of the tax
10	Standard forms of primary documents with special regime	Used to submit online requests for standardized forms
11	Registration of the activity of processing and/or producing of excisable goods	Issues the excise certificate of the authorized warehouse keeper.
12	Registration of subdivisions/ taxable objects	Registers subdivisions/taxable objects.
13	Entrepreneur’s patent	Used to issue and extend patents as well as pay for it
14	Online Income Tax Statements for individuals	Used to create, check and submit Income Tax Statements by individuals
15	Registration or cancellation as a VAT payer	Registers and cancels the registration of the VAT payer.

## National Agency for Auto Transportation

1. The online appointment service of visit, available through the EarlyOne software, which allows the control of the flow of people and the reduction of the waiting time;

2. Through the Automated information system for issuing and management of Permissive Documents (SIA GEAP) approved by Government Decision no. 550 from 13.06.2018<sup>89</sup> National Agency of Road Transport receives online applications for obtaining permissive documents through the Government's public service portals - <https://servicii.gov.md/ro> or <https://actpermisiv.gov.md/#/home>;

3. The Information System "e-Autorizație transport" approved by Government Decision No. 126 from 26.02.2020<sup>90</sup>, which will be available starting with 3rd of May 2022, in pilot mode, will offer a wide range of specialized functionalities that optimize the process of requesting, issuing, distributing and analyzing online applications for obtaining permissive documents intended for the road transport of goods and persons, as well as activities related to road transport. The system will provide the following services:

- Registration, modification, deletion from ROTR (Register of road transport operators), RSITRCP (State register of enterprises carrying out road transport activity on their own account), RAC (Register of activities related to road transport),
- Application for permit valid for road transport of goods,
- Application for permit valid for road transport of persons,
- Application for permit and Notification of activities related to road transport,
- Application for Special Transport Permit for exceeding the total permissible weight and dimensions,
- Application for acts coordinating the route of transport of dangerous goods,
- ECMT permit (European Conference of Ministers of Transport) Reports,
- INTERBUS (Agreement on the international occasional carriage of passengers by coach and bus) Reports.

4. Delivery governmental service (MDelivery) implemented based on the Concept of delivery governmental service approved by Government Decision no. 152 from 25.08.2021<sup>91</sup> and the Regulation on the operation and use of the delivery governmental service approved by Government Decision no. 180 from 23.03.2022<sup>92</sup>. MDelivery service will allow the physical delivery through the postal service providers of the permissive documents issued by the National

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<sup>89</sup> [https://www.legis.md/cautare/getResults?doc\\_id=124925&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=124925&lang=ro#)

<sup>90</sup> [https://www.legis.md/cautare/getResults?doc\\_id=121006&lang=ro](https://www.legis.md/cautare/getResults?doc_id=121006&lang=ro)

<sup>91</sup> [https://www.legis.md/cautare/getResults?doc\\_id=127710&lang=ro](https://www.legis.md/cautare/getResults?doc_id=127710&lang=ro)

<sup>92</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130583&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130583&lang=ro)

Agency of Road Transport to the beneficiaries of its services and will be available starting with 23rd of May 2022.

### **e-Governance Agency**

Pursuant to the Law no.160/2011 on regulation by authorisation of entrepreneurial activity, Annex 1 "Nomenclature of permits issued by issuing authorities to natural and legal persons to conduct entrepreneurial activity" specifies the list of permits that can be requested at <https://actpermisiv.gov.md/#/home>. Of those 150 permits mentioned in the Nomenclature, 121 are available online on the mentioned platform, which represents 81% of services for businesses specified in the Law no.160/2011. The average usage rate of online services is 56%.

At the same time, based on the regulations of the Law no.231/2010 on internal trade, <https://actpermisiv.gov.md/#/home> enables natural and legal persons to submit notifications on trade issues.

The statistical data regarding the online services available on the mentioned platform and their usage rate from 1 January to 27 April 2022 are shown in the table below.

<b>Permit Type</b>	<b>Number of files</b>	<b>e-Filing (online)</b>	<b>e-Filing (%)</b>	<b>One-Stop Shop (at the authority)</b>	<b>One-Stop Shop (%)</b>
<b>Environmental Agency</b>	<b>1,121</b>	<b>416</b>	<b>37.11 %</b>	<b>705</b>	<b>62.89 %</b>
<b>Directorate for Environmental Assessment and Ecologic Inspection</b>	<b>100</b>	<b>7</b>	<b>7.00 %</b>	<b>93</b>	<b>93.00 %</b>
28 Environmental permission	3	3	100.00 %	0	0.00 %
39 Notification of state ecologic inspection	97	4	4.12 %	93	95.88 %
<b>Directorate for Monitoring Natural Resources</b>	<b>70</b>	<b>11</b>	<b>15.71 %</b>	<b>59</b>	<b>84.29 %</b>
29 Permission for export of wild animals	1	-	0.00 %	1	100.00 %
30 Permission for export of plants	13	6	46.15 %	7	53.85 %
31 Permission for import of wild animals and/or plants	12	4	33.33 %	8	66.67 %
32 Authorisation for collection of random plants, including medicinal ones	16	1	6.25 %	15	93.75 %



34 CITES Permit/Certificate	28	-	0.00 %	28	100.00 %
<b>DRAPM</b>	<b>951</b>	<b>398</b>	<b>41.85 %</b>	<b>553</b>	<b>58.15 %</b>
30 Permission for export of plants	3	3	100.00 %	0	0.00 %
36 Authorisation for emission of pollutants in the atmosphere from stationary sources	362	122	33.70 %	240	66.30 %
37 Authorisation for special use of water sources	37	7	18.92 %	30	81.08 %
38 Authorisation for wood cutting within forest boundaries and forest vegetation outside the forest fund	549	266	48.45 %	283	51.55 %
<b>Medicines and Medical Devices Agency</b>	<b>2,686</b>	<b>2,641</b>	<b>98.32 %</b>	<b>45</b>	<b>1.68 %</b>
<b>Medicines and Medical Devices Agency</b>	<b>2,686</b>	<b>2,641</b>	<b>98.32 %</b>	<b>45</b>	<b>1.68 %</b>
10 Authorisation for Circulation of Narcotic, Psychotropic and Precursor Substances	155	149	96.13 %	6	3.87 %
11 Authorisation for Import /Export of narcotic, psychotropic and precursor substances	233	224	96.14 %	9	3.86 %
62 (a) Authorisation for import of medicines: registered drugs	1,516	1,507	99.41 %	9	0.59 %
62 (b) Authorisation for import of medicines: unregistered drugs for registration purposes	666	657	98.65 %	9	1.35 %
64 License for pharmaceutical activities	116	104	89.66 %	12	10.34 %
<b>National Agency for Regulation of Nuclear and Radiological Activities</b>	<b>194</b>	<b>194</b>	<b>100.00 %</b>	<b>0</b>	<b>0.00 %</b>
<b>National Agency for Regulation of Nuclear and Radiological Activities</b>	<b>194</b>	<b>194</b>	<b>100.00 %</b>	<b>0</b>	<b>0.00 %</b>
12 (a) Security certificate - notification	9	9	100.00 %	0	0.00 %
12 (b) Security certificate - application	3	3	100.00 %	0	0.00 %
60 (a) Radiologic authorisation - notification	4	4	100.00 %	0	0.00 %

61 (a) Partial radiologic authorisation - notification	96	96	100.00 %	0	0.00 %
61 (b) Partial radiologic authorisation - application	82	82	100.00 %	0	0.00 %
<b>National Regulatory Agency for Electronic Communications and Information Technology (ANRCETI)</b>	<b>20</b>	<b>1</b>	<b>5.00 %</b>	<b>19</b>	<b>95.00 %</b>
<b>Directorate for Authorisations and Institutional Management (DAMI)</b>	<b>20</b>	<b>1</b>	<b>5.00 %</b>	<b>19</b>	<b>95.00 %</b>
24 General authorisation for the provision of electronic communications networks or services	12	-	0.00 %	12	100.00 %
52 (a) License for the use of radio frequencies or channels for the provision of publicly available electronic communications networks and/or publicly available electronic communications services	2	-	0.00 %	2	100.00 %
52 (b) License for the use of numbering resources for the provision of electronic communications networks and/or services	6	1	16.67 %	5	83.33 %
<b>National Energy Regulatory Authority</b>	<b>63</b>	<b>2</b>	<b>3.17 %</b>	<b>61</b>	<b>96.83 %</b>
<b>Licensing Unit</b>	<b>63</b>	<b>2</b>	<b>3.17 %</b>	<b>61</b>	<b>96.83 %</b>
101 License for import and wholesale and/or retail sale of gasoline, diesel and/or liquefied gas at filling stations	48	2	4.17 %	46	95.83 %
102 License for electricity generation; operation of the electricity market; electricity transport; centralized management of the power system; power distribution; supply of electricity	5	-	0.00 %	5	100.00 %
103 License for natural gas production; transport of natural gas; natural gas distribution; storage of natural gas; natural gas	6	-	0.00 %	6	100.00 %

supply; supply of compressed natural gas for vehicles at filling stations					
104 License for public water supply and/or sewerage at region, rayon, municipality, town and, where applicable, village, commune level	2	-	0.00 %	2	100.00 %
105 License for production, distribution and supply of thermal energy	2	-	0.00 %	2	100.00 %
<b>National Public Health Agency</b>	<b>2,992</b>	<b>279</b>	<b>9.32 %</b>	<b>2,713</b>	<b>90.68 %</b>
<b>CSP<sup>93</sup> Balti</b>	<b>94</b>	<b>5</b>	<b>5.32 %</b>	<b>89</b>	<b>94.68 %</b>
09 Sanitary authorisation for operation	94	5	5.32 %	89	94.68 %
<b>CSP Cahul</b>	<b>44</b>	<b>2</b>	<b>4.55 %</b>	<b>42</b>	<b>95.45 %</b>
09 Sanitary authorisation for operation	44	2	4.55 %	42	95.45 %
<b>CSP Causeni</b>	<b>90</b>	<b>12</b>	<b>13.33 %</b>	<b>78</b>	<b>86.67 %</b>
09 Sanitary authorisation for operation	90	12	13.33 %	78	86.67 %
<b>CSP Chisinau</b>	<b>836</b>	<b>114</b>	<b>13.64 %</b>	<b>722</b>	<b>86.36 %</b>
09 Sanitary authorisation for operation	836	114	13.64 %	722	86.36 %
<b>CSP Comrat</b>	<b>54</b>	<b>2</b>	<b>3.70 %</b>	<b>52</b>	<b>96.30 %</b>
09 Sanitary authorisation for operation	54	2	3.70 %	52	96.30 %
<b>CSP Edinet</b>	<b>103</b>	<b>-</b>	<b>0.00 %</b>	<b>103</b>	<b>100.00 %</b>
09 Sanitary authorisation for operation	103	-	0.00 %	103	100.00 %
<b>CSP Hincesti</b>	<b>83</b>	<b>6</b>	<b>7.23 %</b>	<b>77</b>	<b>92.77 %</b>
09 Sanitary authorisation for operation	83	6	7.23 %	77	92.77 %
<b>CSP Orhei</b>	<b>159</b>	<b>9</b>	<b>5.66 %</b>	<b>150</b>	<b>94.34 %</b>
09 Sanitary authorisation for operation	159	9	5.66 %	150	94.34 %
<b>CSP Soroca</b>	<b>67</b>	<b>-</b>	<b>0.00 %</b>	<b>67</b>	<b>100.00 %</b>
09 Sanitary authorisation for operation	67	-	0.00 %	67	100.00 %
<b>CSP Ungheni</b>	<b>86</b>	<b>6</b>	<b>6.98 %</b>	<b>80</b>	<b>93.02 %</b>
09 Sanitary authorisation for operation	86	6	6.98 %	80	93.02 %
<b>Head Office</b>	<b>1,376</b>	<b>123</b>	<b>8.94 %</b>	<b>1,253</b>	<b>91.06 %</b>
09 Sanitary authorisation for operation	1	1	100.00 %	0	0.00 %

<sup>93</sup> CSP = Public Health Centre

53 (a) Sanitary notification for food and non-food products with potential health impact	1,374	121	8.81 %	1,253	91.19 %
53 (d) Sanitary notification for equipment, installations and tools	1	1	100.00 %	0	0.00 %
<b>National Food Safety Agency (ANSA)</b>	<b>291</b>	<b>106</b>	<b>36.43 %</b>	<b>185</b>	<b>63.57 %</b>
<b>ANSA Office in Chisinau</b>	<b>23</b>	<b>23</b>	<b>100.00 %</b>	<b>0</b>	<b>0.00 %</b>
06 Sanitary-veterinary authorisation for operation	20	20	100.00 %	0	0.00 %
56 Certificate of official registration in food safety sector	1	1	100.00 %	0	0.00 %
57 Sanitary-veterinary authorisation for means of transport	2	2	100.00 %	0	0.00 %
<b>DTSA<sup>94</sup> Criuleni/Dubasari</b>	<b>2</b>	<b>2</b>	<b>100.00 %</b>	<b>0</b>	<b>0.00 %</b>
06 Sanitary-veterinary authorisation for operation	2	2	100.00 %	0	0.00 %
<b>DTSA Edinet/Briceni</b>	<b>62</b>	<b>5</b>	<b>8.06 %</b>	<b>57</b>	<b>91.94 %</b>
06 Sanitary-veterinary authorisation for operation	23	3	13.0%	20	86.96 %
56 Certificate of official registration in food safety sector	14	1	7.14 %	13	92.86 %
57 Sanitary-veterinary authorisation for means of transport	25	1	4.00 %	24	96.00 %
<b>DTSA Falesti/Glodeni</b>	<b>67</b>	<b>-</b>	<b>0.00 %</b>	<b>67</b>	<b>100.00 %</b>
06 Sanitary-veterinary authorisation for operation	14	-	0.00 %	14	100.00 %
56 Certificate of official registration in food safety sector	14	-	0.00%	14	100.00 %
57 Sanitary-veterinary authorisation for means of transport	38	-	0.00 %	38	100.00 %
59 Certificate of harmlessness (for exports and re-exports) for food products including those packed	1	-	0.00 %	1	100.00 %
<b>DTSA Hincesti/Ialoveni</b>	<b>1</b>	<b>1</b>	<b>100.00 %</b>	<b>0</b>	<b>0.00 %</b>
06 Sanitary-veterinary authorisation for operation	1	1	100.00 %	0	0.00 %

<sup>94</sup> DTSA = Food Safety Field Office

<b>DTSA Ocnita/Donduseni</b>	<b>43</b>	<b>-</b>	<b>0.00 %</b>	<b>43</b>	<b>100.00 %</b>
06 Sanitary-veterinary authorisation for operation	16	-	0.00 %	16	100.00 %
55 Registration of the warehouse for the storage of plant protection products and fertilisers	1	-	0.00 %	1	100.00 %
56 Certificate of official registration in food safety sector	8	-	0.00 %	8	100.00 %
57 Sanitary-veterinary authorisation for means of transport	18	-	0.00 %	18	100.00 %
<b>DTSA Orhei/Rezina</b>	<b>67</b>	<b>49</b>	<b>73.13 %</b>	<b>18</b>	<b>26.87 %</b>
06 Sanitary-veterinary authorisation for operation	30	25	83.33 %	5	16.67 %
55 Registration of the warehouse for the storage of plant protection products and fertilisers	1	-	0.00 %	1	100.00 %
56 Certificate of official registration in food safety sector	7	5	71.43 %	2	28.57 %
57 Sanitary-veterinary authorisation for means of transport	24	14	58.33 %	10	41.67 %
59 Certificate of harmlessness (for exports and re-exports) for food products including those packed	5	5	100.00 %	0	0.00 %
<b>DTSA Soroca</b>	<b>1</b>	<b>1</b>	<b>100.00 %</b>	<b>0</b>	<b>0.00 %</b>
06 Sanitary-veterinary authorisation for operation	1	1	100.00 %	0	0.00 %
<b>Chisinau Head Office</b>	<b>25</b>	<b>25</b>	<b>100.00 %</b>	<b>0</b>	<b>0.00 %</b>
58 Certificate of registration of the veterinary medical product	25	25	100.00 %	0	0.00 %
<b>National Auto Transport Agency</b>	<b>7</b>	<b>7</b>	<b>100.00 %</b>	<b>0</b>	<b>0.00 %</b>
<b>Public Services Directorate</b>	<b>7</b>	<b>7</b>	<b>100.00 %</b>	<b>0</b>	<b>0.00 %</b>
14 Authorisation for international road transportation	4	4	100.00 %	0	0.00 %
42 Multilateral annual ECMT authorisation with logbook	1	1	100.00 %	0	0.00 %

43 Short-term multilateral ECMT authorisation with logbook	1	1	100.00 %	0	0.00 %
45 Book of journey forms (CFP or INTERBUS )	1	1	100.00 %	0	0.00 %
<b>Naval Agency</b>	<b>59</b>	<b>57</b>	<b>96.61 %</b>	<b>2</b>	<b>3.39 %</b>
<b>Naval Agency</b>	<b>59</b>	<b>57</b>	<b>96.61 %</b>	<b>2</b>	<b>3.39 %</b>
143 Certificate of nationality	31	30	96.77 %	1	3.23 %
144 Certificate of minimum crew for the safety of navigation	28	27	96.43 %	1	3.57 %
<b>Technical Surveillance Agency (AST)</b>	<b>24</b>	<b>0</b>	<b>0.00 %</b>	<b>24</b>	<b>100.00 %</b>
<b>AST</b>	<b>24</b>	<b>-</b>	<b>0.00 %</b>	<b>24</b>	<b>100.00 %</b>
111 Permission for obtaining and storing explosives	1	-	0.00 %	1	100.00 %
112 Request to perform dynamite works or works with explosive materials	23	-	0.00 %	23	100.00 %
<b>Local public authorities</b>	<b>7,351</b>	<b>4,775</b>	<b>64.96 %</b>	<b>2,576</b>	<b>35.04 %</b>
<b>Chisinau Mayor's Office</b>	<b>1,058</b>	<b>19</b>	<b>1.80 %</b>	<b>1,039</b>	<b>98.20 %</b>
17 Urban planning certificate	584	8	1.37 %	576	98.63 %
18 Informative urban planning certificate	150	1	0.67 %	149	99.33 %
19 Construction authorisation	230	3	1.30 %	227	98.70%
20 Demolition authorisation	57	2	3.51 %	55	96.49 %
21 Authorisation for changing the purpose of buildings and facilities	33	1	3.03 %	32	96.97 %
22 Authorisation for placement of outdoor advertising	4	4	100.00 %	0	0.00 %
<b>Chisinau, CMC's General Directorate of Economy, Trade and Tourism</b>	<b>4,817</b>	<b>4,533</b>	<b>94.10 %</b>	<b>284</b>	<b>5.90 %</b>
23 Trade license (Notification of commencement of commercial activity)	4,817	4,533	94.10 %	284	5.90 %
<b>Civil Aviation Authority</b>	<b>343</b>	<b>19</b>	<b>5.54 %</b>	<b>324</b>	<b>94.46 %</b>
<b>CAA</b>	<b>343</b>	<b>19</b>	<b>5.54 %</b>	<b>324</b>	<b>94.46 %</b>
115 Authorisation for irregular flights	260	16	6.15 %	244	93.85 %

116 Authorisation for Specialised Commercial Operations (Aerial Work)	2	-	0.00 %	2	100.00 %
117 Certificate of Air Operator	10	-	0.00 %	10	100.00 %
120 Certificate for a technical maintenance company	3	-	0.00 %	3	100.00 %
121 Certificate for on-ground service company	2	-	0.00 %	2	100.00 %
122 Authorisation for regular flights (for domestic and foreign air operators)	14	1	7.14 %	13	92.86 %
123 Authorisation for installation and operation of radio transmitters	34	-	0.00 %	34	100.00 %
124 Certificate of Airworthiness	13	-	0.00 %	13	100.00 %
125 Special flight authorisation	5	2	40.00 %	3	60.00 %
<b>Public Institution "Public Services Agency"</b>	<b>206</b>	<b>68</b>	<b>33.01 %</b>	<b>138</b>	<b>66.99 %</b>
<b>Department for Licensing of Legal Subjects</b>	<b>206</b>	<b>68</b>	<b>33.01 %</b>	<b>138</b>	<b>66.99 %</b>
76 License for activities with precious metals and stones and for operation of pawn shops	43	12	27.91 %	31	72.09 %
77 License for import and storage of ethyl alcohol; import, storage and wholesale of imported alcoholic beverages and/or beer	28	10	35.71 %	18	64.29 %
78 License for production of ethyl alcohol, beer and alcoholic beverages except for wine, must products and flavoured wine products for the purpose of the Law on Vine and Wine no. 57/2006, and/or the storage, wholesale of ethyl alcohol, beer and alcoholic production, except for wine, must products and flavoured wine products for the purpose of the Law on Vine	29	2	6.90 %	27	93.10 %

and Wine no. 57/2006, produced by local producers					
79 License for import of tobacco products; import and/or industrial processing of tobacco; manufacture of tobacco products and/or wholesale of tobacco products and fermented tobacco	35	22	62.86 %	13	37.14 %
80 License for collection, storage, processing, sale and export of ferrous and non-ferrous metal waste and scrap, used batteries and accumulators, including of the processed ones	21	8	38.10 %	13	61.90 %
83 License for the production, assembly, import, export, re-export, storage, sale of pyrotechnic products and/or provision of "pyrotechnic and fireworks display" services with professional entertainment pyrotechnic products	2	-	0.00 %	2	100.00 %
85 License for the customs broker activity	14	6	42.86 %	8	57.14 %
86 License for information protection activity: import, export, design, production and sale of special technical means to secretly obtain information (except for activities carried out by public authorities entitled under the law); and/or provision of services on cryptographic protection of information (except for state secret protection activities); and/or provision of services for technical protection of information (except for state secret protection activities)	5	3	60.00 %	2	40.00 %
88 License for legal activities of employment of citizens of the Republic of Moldova in the country and/or abroad	29	5	17.24 %	24	82.76 %



<b>Ministry of Economy</b>	<b>4</b>	<b>4</b>	<b>100.00 %</b>	<b>0</b>	<b>0.00 %</b>
<b>Directorate for Quality Infrastructure and Industrial Safety</b>	<b>4</b>	<b>4</b>	<b>100.00 %</b>	<b>0</b>	<b>0.00 %</b>
100 Certificate of designation in metrology - to perform metrological verification of measuring instruments subject to legal metrological control - to carry out measurements in areas of public interest	4	4	100.00 %	0	0.00 %
<b>State Tax Service</b>	<b>90</b>	<b>85</b>	<b>94.44 %</b>	<b>5</b>	<b>5.56 %</b>
<b>Central Tax Service</b>	<b>90</b>	<b>85</b>	<b>94.44 %</b>	<b>5</b>	<b>5.56 %</b>
109 Certificate of registration as a technical support centre for cash registers/fiscal printers (CAT MCC/IF Certificate)	90	85	94.44 %	5	5.56 %
<b>National Radio Frequency Management Service (SNMFR)</b>	<b>25</b>	<b>0</b>	<b>0.00 %</b>	<b>25</b>	<b>100.00 %</b>
<b>SNMFR</b>	<b>25</b>	<b>-</b>	<b>0.00 %</b>	<b>25</b>	<b>100.00 %</b>
148 Authorisation of radio communication stations of sea and river vessels	25	-	0.00 %	25	100.00 %
<b>Customs Service of the Republic of Moldova</b>	<b>11</b>	<b>10</b>	<b>90.91 %</b>	<b>1</b>	<b>9.09 %</b>
<b>Customs Service of the Republic of Moldova</b>	<b>11</b>	<b>10</b>	<b>90.91 %</b>	<b>1</b>	<b>9.09 %</b>
126 Authorisation for customs warehousing (warehouse management and administration)	11	10	90.91 %	1	9.09 %
<b>Total</b>	<b>15,487</b>	<b>8,664</b>	<b>55.94 %</b>	<b>6,823</b>	<b>44.06 %</b>

**41. Please report on the degree of alignment with the Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information.**

In the Republic of Moldova, the Open Data Initiative was launched in April 2011, by creating the Open Government Data Portal, in order to promote transparency, administrative efficiency, public accountability and the economic potential of reuse<sup>95</sup>. This initiative is part of the promotion of open government principles and is one of the pillars of the Strategic Program for Technological Modernization of Government (e-Transformation), approved by Government Decision no.710/2011. Open government data offers enormous potential for economic development. They can contribute to improving public services and more transparent and accountable

<sup>95</sup> [www.date.gov.md](http://www.date.gov.md)

governance. Access to open data allows individuals and organizations to develop and generate new ideas and services with social and economic impact<sup>96</sup>.

In order to capitalize on the economic potential of government data, were adopted Law no. 305/2012 on the reuse of information from the public sector<sup>97</sup>, and subsequently - Government Decision no. 886/2013 “For the approval of the Methodological Norms for the application of Law no. 305/2012 on the re-use of public sector information”<sup>98</sup>, which eliminates barriers in accessing and re-using public data and information.

In this sense, Law No. 305/2012 on the re-use of public sector information, governs the reports that appear in the process of re-use of documents held by public authorities and institutions and / or held by other legal entities on their behalf for commercial or non-commercial purposes and aims to facilitate the re-use of held documents by public authorities and institutions, which they have created within their own public activity and which may subsequently be used for commercial or non-commercial purposes.

Subsequent by Government Decision No. 886/2013 were approved the Methodological Norms for application of Law no. 305 of December 26, 2012 on reuse of the public sector information. This Government Decision seeks to facilitate access to government data (open data), high-value computer-processed data generated and hosted by and for government institutions. This will allow the public to find, access, understand, use and reuse data generated by government institutions.

Open government data allows creation of advanced functionality and services, such as innovative visualizations, analytics, and richer content offerings. Any citizen or economic agent accessing a page can find the requested information in any field that has been prepared by a central public authority. At the same time, the primary data are accessible, which were the basis for the elaboration of the above-mentioned documents. The adoption of this Government Decision increased the effectiveness of the re-use of information, documents in public institutions, which in turn strengthened democracy by enabling citizens to observe how the government fully fulfills its tasks, functions and participates more in public affairs.

At the same time, we will mention about Government Decision No. 700/2014 on open government data, which establish the principles of open data and is essential for the public sector due to ensuring transparency in the given sector and capitalizing on the economic potential of public data<sup>99</sup>. This regulatory act aimed the following specific objectives:

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<sup>96</sup> [https://www.legis.md/cautare/getResults?doc\\_id=103279&lang=ro](https://www.legis.md/cautare/getResults?doc_id=103279&lang=ro)

<sup>97</sup> [https://www.legis.md/cautare/getResults?doc\\_id=106313&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106313&lang=ro)

<sup>98</sup> [https://www.legis.md/cautare/getResults?doc\\_id=118578&lang=ro](https://www.legis.md/cautare/getResults?doc_id=118578&lang=ro)

<sup>99</sup> [https://www.legis.md/cautare/getResults?doc\\_id=18535&lang=ro](https://www.legis.md/cautare/getResults?doc_id=18535&lang=ro)

- the publication of as many governmental data of a public nature as possible in open and processable computer formats for re-use by the general public, according to the established principles;
- standardization of requirements for the structure and formats of published data;
- increasing the degree of transparency of the Government's activity and making the civil servants accountable;
- facilitating citizens' access to valuable public information both in terms of transparency and economic benefits;
- liquidation of sectoral normative and legal barriers for the publication of open governmental data;
- identification of open data that can be published and offered for reuse free of charge. It is important to inform citizens what government data will be provided for re-use for a fee, the amount of the payment and the method of calculating the payment;
- reducing the time and expenses related to the answers to petitions by publishing the structured primary data online.

In addition, the above-mentioned regulations are to be analyzed in complex with the provisions of Law No. 982/2000 on access to information<sup>100</sup>, concerning:

- the relations between the information provider and the natural and / or legal person in the process of ensuring and realizing the constitutional right of access to information;
- the principles, conditions, ways and means of achieving access to official information, in the possession of information providers;
- the obligations of the information providers in the process of ensuring the access to the official information;
- the manner of defending the right of access to information.

All these normative acts come to ensure in a certain extent the alignment to the Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information.

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<sup>100</sup>[https://www.legis.md/cautare/getResults?doc\\_id=108552&lang=ro](https://www.legis.md/cautare/getResults?doc_id=108552&lang=ro)

**42. What is the institutional set up and what are the regulatory instruments and procedures for data protection (personal and non-personal data), cyber security and the protection of privacy in the sector?**

The legal framework regulating the field of personal data protection at national level consists of:

- Constitution of the Republic of Moldova (Article 28 - Intimate, family and private life)<sup>101</sup>;
- Law No 133/2011 on personal data protection<sup>102</sup>, which regulates the legal relationships arising in the processing of personal data and being part of a filing system or intended to be included in such a system, carried out in whole or in part by automated means, as well as by other means than automated ones.

It should be noted that personal data is any information relating to an identified or identifiable natural person (subject of personal data). An identifiable person is one who can be directly or indirectly identified, by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity. Respectively, the provisions of the Law no 133/2011 do not apply in relation to data/information that does not relate to an identified or identifiable natural person.

The NCPDP has been designated as the competent national authority for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data, in particular the right to the inviolability of intimate, family and private life.

Thus, in its activity, the NCPDP is being guided by the Constitution of the Republic of Moldova, the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, the Additional Protocol to the Convention, other international agreements to which the Republic of Moldova is a party, the Law on the Personal Data Protection, the Regulation of the National Centre for Personal Data Protection, its structure, staff limits and financing, approved by Law No. 182/2008, as well as other normative acts.

The Law 133/2011 was amended by the Law no. 175 of 11 November 2021 on the amendment of some normative acts<sup>103</sup>, which provides adaptation of the notions of consent and its presentation in accordance with the notion of stability of the General Regulation on Data Protection (GDPR); as well exclusion of the registration and authorization notification as a personal data controller, in accordance with the GDPR which is excluded if not prohibited in all 28 countries of the European Union of 25 May 2018.

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<sup>101</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128016&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128016&lang=ro)

<sup>102</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129123&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129123&lang=ro)

<sup>103</sup> [https://www.legis.md/cautare/getResults?doc\\_id=128924&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128924&lang=ro)

Public institution Information Technology and Cyber Security Service is designated as the Government Cyber Security Incident Response Center, established on the provisions of the Government Decision no. 482 /2020 on the approval of necessary measures on ensuring cyber security on the governmental level and amending Government Decision no. 414/2018 on measures to consolidate data centers in the public sector.

**43. Please provide information on the (existence of) applicable rules regarding data retention, unsolicited communications (spam), itemised billing, comprehensive subscriber directories.**

According to Art. 4 para. (1) letter e) of Law No. 133/2011 on the personal data protection<sup>104</sup>, personal data must be stored in a form which permits the identification of the subjects of the personal data for a period no longer than is necessary for the purposes for which the data were collected and further processed.

Subsequently, Art. 11 para. (3) of the same legislative act, provides that, at the end of the personal data processing operations, if the subject of these data has not given his consent for another purpose or for further processing, personal data shall be: destroyed; transferred to another controller, provided that the original controller ensures that the further processing is for purposes similar to those for which the original processing was carried out; rendered anonymous and stored exclusively for statistical, historical or scientific research purposes.

At the same time, it is important to point out that according to Art. 20 para. (3) let. c) of the Law on Electronic Communications no. 241/2007<sup>105</sup>, providers of electronic communications networks and/or services, regardless of the type of ownership, are obliged to keep all available information generated or processed in the process of providing their electronic communications services, necessary to identify and trace the source of electronic communications, identify the destination, type, date, time and duration of the communication, identify the user's communications equipment or other device used for communication, identify the coordinates of the mobile communications terminal equipment and ensure the presentation of this information to the bodies empowered by law. Information relating to mobile or fixed telephone services shall be kept for a period of one year, and information relating to the Internet network for six months, after which it shall be irreversibly destroyed by automated procedures, with the exception of information and documents processed in accordance with Article 73 and those which, according to the regulations in force, shall be kept for a longer period. The retention obligation shall also apply to unsuccessful appeal attempts.

Subsequently, Article 73 of the above-mentioned law states that transfer data relating to subscribers and end-users, processed and stored by the provider of the

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<sup>104</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129123&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129123&lang=ro)

<sup>105</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130825&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130825&lang=ro)

public electronic communications network or publicly available electronic communications services, must be erased or made anonymous as soon as they are no longer necessary for the transmission of the communication [...].

According to the same Article, the transfer data necessary for billing the subscriber for the services provided or for payment of the connection may be processed. Processing is only allowed until the end of the period during which the bill can be legally challenged or payment can be traced.

Thus, for the purpose of electronic communications services marketing or providing value added services, the provider of publicly available electronic communications services may process the transfer data referred to above to the extent and for the duration necessary for the marketing or provision of such services, if the subscriber or user concerned has given his prior consent. Users and subscribers may withdraw their consent to the processing of transfer data at any time by written request to the provider or otherwise permitted by law.

Accordingly, the service provider must inform users and subscribers of the types of transfer data that are processed and the duration of the processing for the purposes of billing the subscriber for services or paying for the connection and, prior to obtaining consent, for the purposes of electronic communications services marketing or providing value added services.

According to the same Article, the processing of transfer data must be restricted to persons acting under the authority of providers of public electronic communications networks or publicly available electronic communications services for billing or traffic management, customer service, fraud detection, promotion of electronic communications services or the provision of value-added services, and to processing strictly necessary for the purpose of that activity.

The processing of transfer data shall be without prejudice to the possibility of the competent bodies to request to be informed of the transfer data in accordance with the legislation in force for the settlement of disputes, in particular interconnection or billing disputes.

Also, Article 74 of the same law provides that subscribers have the right to receive bills without itemisation.

In order to balance the right of subscribers to receive itemised bills respecting their right to privacy, providers shall provide alternative methods of payment and communication that better respect the privacy rights of those subscribers or users (allowing anonymous or strictly private access to publicly available electronic communications services), including the privacy rights of calling users and called subscribers.

The minimum information presented in itemised bills is set by the National Regulatory Agency for Electronic Communications and Information Technology.

*Data retention* is realized according to the provisions of article 20 paragraph (3) letter c) of the Law no. 241 of 15 November 2007 on electronic communications<sup>106</sup>, article 7 of the Law no. 20 of 03 February 2009 on preventing and combating cybercrime<sup>107</sup>, article 25 of the Law no. 284 of 22 July 2004 on electronic commerce<sup>108</sup> and article 1344 of the Code of Criminal Procedure no. 122 of 14 March 2002<sup>109</sup>. Thus, the providers of electronic communications networks and/or services, regardless of the type of ownership, are obliged to keep all the necessary information for identifying and tracking the source of electronic communications, identifying the destination, type, date, time and duration of communication, identifying the communication equipment of the user or other device used for communication, identification of the coordinates of the mobile communications terminal equipment and ensuring the presentation of this information to the authorized bodies in accordance with the law. The information related to the mobile or fixed telephony services will be kept for a period of one year, and the information related to the Internet network - for 6 months.

*Unsolicited communications (spam)* is realized according to article 80 of the Law no. 241 of 15 November 2007 on electronic communications and article 22 of the Law no. 284 of 22 July 2004 on electronic commerce. The use of automatic calling and communication systems for the purposes of direct promotion (advertising) is permitted only with the prior consent. Everyone has the right to refuse to receive commercial communications. It is forbidden to send electronic messages for the direct promotion of products or services with the identity of the sender hidden. Providers of publicly available electronic communications services who, through negligence, contribute to the breach of the provisions of these articles shall be liable, in accordance with applicable law, to any natural or legal person negatively affected by such infringements and who has, consequently, a legitimate interest to end or prohibit such infringements. Unsolicited communications for the purpose of direct promotion, in cases other than those mentioned above are not allowed without the consent of the subscribers or users concerned. Failure to grant such consent may not entail additional or increased expenses for the subscriber or user. It is forbidden in any case to send electronic messages for the purposes of direct promotion of products or services with the concealment of the identity of the sender on whose behalf the communication is made or with the indication of a false identity of the latter, in violation of the legal regime of commercial communications, regulated by the legislation in the field of electronic commerce, without indicating a valid address, or sending messages encouraging recipients to visit sites that contradict the legal regime of commercial communications.

*Detailed invoice* is realized according to article 74 of the Law no. 241 of 15 November 2007 on electronic communications<sup>110</sup> and Chapter V of the ANRCETI

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<sup>106</sup> [https://www.legis.md/cautare/getResults?doc\\_id=84365&lang=ro](https://www.legis.md/cautare/getResults?doc_id=84365&lang=ro)

<sup>107</sup> [https://www.legis.md/cautare/getResults?doc\\_id=12753&lang=ro](https://www.legis.md/cautare/getResults?doc_id=12753&lang=ro)

<sup>108</sup> [https://www.legis.md/cautare/getResults?doc\\_id=107529&lang=ro](https://www.legis.md/cautare/getResults?doc_id=107529&lang=ro)

<sup>109</sup> [https://www.legis.md/cautare/getResults?doc\\_id=113967&lang=ro](https://www.legis.md/cautare/getResults?doc_id=113967&lang=ro)

<sup>110</sup> [https://www.legis.md/cautare/getResults?doc\\_id=84365&lang=ro](https://www.legis.md/cautare/getResults?doc_id=84365&lang=ro)

Decision no. 48 of 10 September 2013<sup>111</sup>. In order to balance the right of subscribers to receive detailed invoices with their right to privacy, providers offer alternative methods of communication that better respect the right to privacy of those subscribers or users (which allow anonymous or strictly private access to publicly available electronic communications services), including the right to private life of calling users and called subscribers. The minimum information set out in the detailed invoices shall be set by the ANRCETI.

*Public register of subscribers* is realized according to articles 79 and 85 paragraph (2) letter b), article 88 of the Law no. 241 of 15 November 2007 on electronic communications and Chapter V of the ANRCETI Decision no. 48 of 10 September 2013.

The subscriber register may be made available to the public by the providers only if the subscribers are informed, free of charge and before being included in any register, about the purpose or purposes of a printed or electronic subscriber register, accessible to the public, and only with subscriber consent. At the same time, according to Law no. 241 of 15 November 2007 on electronic communications, ANRCETI designates the universal service providers according to the provisions of the article 85 paragraph (2) letter b), so that:

- To be made available to the end-users, on request, at least one register of subscribers in printed, electronic or both forms.
- To be made available to the end-users, including users of the public pay phones, at least one subscriber information service.

The subscriber register and the subscriber information service include the telephone numbers and personal data of all subscribers to publicly available telephone services, in compliance with the legislation on the protection of personal data.

#### **44. Provide information on the domain name registry or registrars.**

The Ministry of Infrastructure and Regional Development is the central specialized body that elaborates, coordinates the implementation and monitoring of the policies related to the management of the top-level domain .md.

National Regulatory Agency for Electronic Communications and Information Technology of the Republic of Moldova is the central public authority that regulates and supervises the management of the top-level domain .md.

P.I. “Information Technology and Cyber Security Service” (ITSec) has the role of national registrar of the top-level domain .md, pursuant to the Statute of the Institution approved by the Government Decision no. 414/2018 on measures to

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<sup>111</sup> <https://www.anrceti.md/files/filefield/HCA%2048.pdf>



strengthen data centres in the public sector and streamline the administration of state information systems.

In the position of National Registrar of the top-level domain .md, ITSec pursuant to the Law on Electronic Communications no. 241/2007 has the following competencies:

- keeping the Register of the top-level domain .md, ensuring its update and on-line access;
- assigning, registering, re-registering and withdrawing the name from the top-level domain .md, as well as changing the registration data, necessary to provide its functionality;
- maintaining the control on top-level domain .md indexing points, in Internet;
- appointing the entities designated as dealers and supervising their activity;
- establishing the standard rate and the tariffs for the entities designated as dealers for the registration of names in the top-level domain .md.

## **F. Private sector**

### **45. What is the rate of companies conducting e-business?**

Measurements and data collection in this area need further improvement. At this stage, data in this regard is based on surveys. The last ongoing survey initiated in March 2022 by an EBRD expert mission on eCommerce infrastructure for the Economic Council to the Prime minister revealed a proportion of companies conducting business online between 18% (integrating e-payments) to 42% (for online marketing purposes). The rate of companies using information systems in daily activities is between 29% (CRM) and 35% (stocks management). UNCTAD rates Moldova at 53 position for eCommerce infrastructure and logistics in 2020, only about 23% of SMEs made attempts to implement e-commerce instruments. The reported constraints are not of regulatory framework, but of digital/financial literacy and inclusion.

### **46. Are there any incentives offered to companies using ICTs? What kind of incentives?**

To stimulate the use of ICTs by companies, the Government has launched two State Programs that are implemented by ODIMM.

Based on Ministry of Economy and Infrastructure Order No. 100 of 26 May 2020 on the approval of the *Support Instrument on the digitization of small and medium*

*enterprises*, through ODIMM, the ministry responded promptly to the challenges of the pandemic crisis in order to support the digital transformation of SMEs. Since its launch 284 businesses were supported, of which: 168 business vouchers and 116 Grants, the financial support provided contributed to the creation and maintenance of 3,240 jobs.

At the same time, by the *Government Decision no. 129 of 02 March 2022 on the approval of the Digital Transformation Program for Small and Medium-sized Enterprises*<sup>112</sup>, the SME Digital Transformation Program was approved with an implementation period of 3 years and a budget of about 1.5 million Euro annually.

The objective of the Program is to support small and medium-sized enterprises by providing non-reimbursable financial support for the digitization of their own businesses, as well as facilitating access to internal and external markets.

Also, by *Government Decision no. 243 of 13 April 2022 on the approval of the Program to support digital innovations and technological start-ups*<sup>113</sup>, the Program for supporting digital innovations and technological startups was approved.

The objective of the Program is to provide grants to SMEs for the development and commercial promotion of innovative products and / or services.

The Program focuses on three components of thematic funding:

- Digital innovation
- Green technology
- Sustainable production.

The program will support the development and commercial promotion of products and / or services, according to the thematic funding components mentioned above, for the following priority areas, but which does not exclude other areas: information and communication technology, digital media, manufacturing, agriculture, education, health, financial services, creative industries, e-commerce, recycling.

**47. Can you provide indicators evaluating the value of the data economy, such as the data economy value as a percentage of the GDP, or the share of data market on ICT spending?**<sup>114</sup>

Currently, in the field of "data processing and related activities" operate 208 companies within „Moldova IT Park” with sales revenue generated by this type of activity in 2021 of about 50 million Euros (about 0.5% of GDP), of which 41.5

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<sup>112</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130254&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130254&lang=ro)

<sup>113</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130971&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130971&lang=ro)

<sup>114</sup> See indicators assessed by the European Data Monitoring Tool <https://datalandscape.eu/>

million Euros is the export of services, and 8.5 million Euro is the local market of data processing services.

## **G. Digital services and online platforms**

**48. Please report on the alignment with the Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on Electronic Commerce).**

Law no. 284 of 22 July 2004 on electronic commerce<sup>115</sup>. (Version in force of 29.12.17 based on amendments and completions by Law no. 59 of 06 April 2017) transposes Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular Electronic Commerce, in the Internal Market (Directive on Electronic Commerce).

The law establishes the principles of regulation of electronic commerce, the conditions for providing information society services, the liability of service providers and intermediaries, as well as the principles of supporting cooperation between Moldova and other states in the process of providing company services informational. The law also contains provisions for placing the order, commercial communications, the contract concluded by electronic means, the liability of service providers.

**49. Is there legislation or other requirements specific to the provision of information society services (defined as any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services)?**

The Law no. 284 of 22 July 2004<sup>116</sup> on electronic commerce defines the notion of service of the information society as any service provided for the purpose of obtaining remuneration, at a distance, by electronic means and at the individual request of the recipient of the service, including sales of goods online.<sup>117</sup>

At the same time, the law states that information society services are not limited to services that result in online contracts, but to the extent that they are an economic activity, they extend to services that are not remunerated by those who receive them, such as services that provide online information or business communications or those that provide tools for searching, accessing and retrieving data.

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<sup>115</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129084&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=129084&lang=ro#)

<sup>116</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129084&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=129084&lang=ro#)

<sup>117</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129084&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=129084&lang=ro#)

Information society services are also services that consist of the transmission of information through an electronic communications network, the provision of access to an electronic communications network or the hosting of information provided by a recipient of the service. Point-to-point services, such as video on demand or the provision of commercial communications by e-mail, are also information society services.

The legislation also establishes the aspects that stipulate which services activities/don't constitute information society services (article 4, Law no. 284 of 22 July 2004 on electronic commerce).

Likewise, the above-mentioned law establishes that the activity of service providers and service recipients is not subject to any prior authorization and is carried out in accordance with the principles of free and fair competition, in compliance with the law.

At the same time, the activity of natural and legal persons providing information society services is not limited to certain territories or categories of goods, works or services, unless the contract or the law provides otherwise.

The law also establishes the principles of liability of service providers.

As for the specific requirements for the creation *and delivery of public e-services*, these are regulated by the Law no. 234/2021 on public services. The provisions in the law aim at standardising the way public services, including the electronic ones, are set up, changed, delivered, and removed. The implementation of the Law on public services requires the achievement of the following objectives:

- increase the number of service provision channels, service provision, in particular, in electronic format; the result of the service provision shall be an e-document;
- create conditions to implement public proactive services that will be delivered ex officio, without the need for beneficiaries to submit an application or undertake an action;
- compel the service providers to ensure the creation of completely automated public e-services allowing the electronic self-service of recipients of public service, without any interaction with the public service representatives;
- ensure legal conditions for the cooperation between public service providers at the central and local level, to efficiently organise and provide public services to citizens and business operators in the rural areas;
- reduce the administrative burden by simplifying the processes of provision of public services, by removing the administrative activities that have no public value;
- create conditions to reduce the public service fees, in particular those for e-services.

**50. Please report on the alignment with [Regulation \(EU\) 2018/302](#) of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC.**

These EU rules are not currently being transposed and will be proposed for the Association Agenda for the next period of time.

**51. Please report on the alignment with Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services? Which is the relevant authority responsible for its enforcement pursuant to Article 15 of this Regulation? Do you provide legal standing for representative bodies as per Article 14 of this Regulation?**

These EU rules are not currently being transposed and will be proposed for the Association Agenda for the next period of time.

**52. Please report on the alignment with the recently agreed [Digital Markets Act](#) - Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act), COM/2020/842 final.**

These EU rules are not currently being transposed and will be proposed for the Association Agenda for the next period of time.

**53. Is there legislation or initiatives on the topics covered by the Digital Services Act - Proposal for a Regulation of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (Text with EEA relevance), COM(2020) 825 final, 2020/0361 (COD).**

The rules of the Proposal for a Regulation of the European Parliament and of the Council on a Single Market for Digital Services have not been transposed into the national law and will be proposed for the EU-Moldova Association Agenda for the next period.

The Law on electronic commerce no. 284-XV of 22/07/2004 transposes the Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, into the Internal Market (Directive on electronic commerce).

**54. Please detail the institutional setting related to digital services; i.e. which are the bodies responsible for supervision of digital services and how are they institutionally set up.**

At the national level there is no single authority in charge with supervision of digital services. Each public service provider is responsible on its own with regard the service it is providing in electronic format. However, IP „e-Governance Agency” (EGA) is mandated with development, maintenance and continuous improvement of shared digital services like those that are part of the E-Government infrastructure, reused for further development and configuration of sectorial digital services. In the same time, one of the main EGA competence is the modernization of public services, that besides reengineering through simplification, optimization, standardization means also digitalization for granting better accessibility and enhance the quality of public service provision process. In this regard, EGA streamlines the use of ICT to increase the number of digital services, but also plays a coordination role in this process.

Needs to be mentioned also, that according to Law no 467/2003 on informatization, the development of new information systems, digital tools, applications, etc., is mandatory to be coordinated with EGA, in order to ensure the reuse of the existent digital solutions and shared infrastructure, to grant the integration of the new solution in the national digital ecosystem, but also in order to ensure the opportunity and rationality of the new proposed solution. From this point of view, EGA plays an important coordination role related to development of digital services, information systems and their further efficient use and exploitation.

Not least is important to highlight that EGA coordinates and approves all expenditures that public institutions plan to have for the ICT domain. This is done in order to ensure the intelligent investment in ICT on one hand, but also to ensure that the developed and implemented digital solutions, services are sustainable and have the required resources for efficient operation and use.

## **H. Electronic pay-services (conditional access — Directive 98/84/EC)**

**55. Has Moldova ratified Convention 178 of the Council of Europe on the legal protection of services based on, or consisting of, conditional access?**

The Republic of Moldova ratified Convention 178 on 26 March 2003, which entered into force on 1 July 2003. Moldova declared that it will apply the provisions of the Convention only on the territory controlled by the Government until the full establishment of the territorial integrity of the country.

**56. Has Moldova ratified Convention 185 of the Council of Europe on cybercrime?**

The Council of Europe Convention on Cybercrime, adopted in Budapest on 23 November 2001, was ratified by Law no.6-XVI of 02.02.2009. At the same time, its provisions were transposed within the Law no. 20-XVI of 03.02.2009 on preventing and combating cybercrime.

**57. What kind of protection is provided to protect the remuneration of providers of services protected by conditional access?**

The Convention provides to make it a criminal offence to manufacture, import, distribute, sell, offer for hire, possess or install decoders or smart cards enabling access to be obtained unlawfully to the above-mentioned services. Promotion, marketing or advertising of illicit devices is also prohibited. The penalties provided for by the Convention include seizure and confiscation of the devices or material and of any profits or financial gain resulting from the unlawful activity.

**58. Do you consider that this protection conforms to Directive 98/84/EC?**

Convention 178 supplements the European Union directive that aims to protect operators and providers of paid radio, tv and on-line services against unlawful reception of such services, by extending protection throughout Europe.

According to the provision of art. 252 of the Contravention Code of the Republic of Moldova no. 218/2008<sup>118</sup>, unauthorised connection or admission of unauthorised connection of terminal equipment or other electronic communications means to electronic communications networks, including subscriber lines, it is sanctioned with a fine from 30 to 90 conventional units applied to the natural person, with a fine from 36 to 120 conventional units applied to the person in charge, with a fine from 240 to 300 conventional units applied to the legal person.

**I. Electronic identification and trust services for electronic transactions**

**59. Please report on the alignment with the Regulation (EU) on electronic identification and trust services for electronic transactions in the internal market 910/2014 EC.**

The draft Law on electronic identification and trust services has been developed and now is promoted by Security and Intelligence Service of the Republic of

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<sup>118</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130832&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=130832&lang=ro#)

Moldova. This Law partially transposes the Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, published in the Official Journal of the European Union, L 257, 28 August 2014.

On 21.04.2022 the Parliament approved the draft law (*reg. number 107 from 31.03.2022*) in first reading and in the following period the draft law will be approved in final reading.

**60. Which national schemes exist, including the means, for electronic identification and authentication for accessing online public services. Please provide the applicable law(s) and regulation(s).**

The Republic of Moldova government entities use electronic identification and authentication based on public key certificates issued on secure signature creation devices in the form of smart cards, USB tokens, e-ID cards and mobile e-ID (with specialized SIM-cards, containing necessary cryptographic functions).

As per Law 91/2014 on the digital signature and electronic document, the digital signature is used as the authentication method.

In order to provide a unified technical interface to all government information systems, the Government implemented a shared authentication and access control service named MPass. The Government Decision 1090/2013 regulates the MPass service.

For a more accessible electronic identity, the Government is implementing the next generation mobile identity (a solution consisting of two parts - a mobile app on the client and hardware security modules on the server) (action 2.1.13 of the Government Action Plan for 2021-2022 approved by the Government Decision no. 235/2021). Its main objective is to provide an accessible authentication and e-signature tool. The governmental e-identity and mobile e-signature service (MobiSign) is planned to be launched by the end of June 2022.

Although being a software based solution (on the client), the government identity and mobile electronic signature (MobiSign) service will provide the level of security and protection of private keys similar to secure signature creation devices. This solution relies on advanced cryptographic algorithms, whereas the security of a similar implementation shall be certified as advanced, in line with Moldova's legislation. The solution implements cryptographic algorithms in the user's software, which permits the rapid evolution of algorithms through regular updates if needed.



**61. Please detail the applicable law(s) and regulation(s) and the institutional setting related to electronic trust services, as defined in Regulation 910/2014. Which are the bodies responsible for supervision of trust service providers and the services they provide (including information on accreditation schemes) and those designated for the conformity assessment of Qualified electronic signature and seal creation devices.**

According to the Law 91/2014 on electronic signature and electronic document, the only trust service in line with the national legal framework is electronic signature. Based on the Law 91/2014, the competent body responsible for elaboration, promotion of state policy and for supervision in the field of electronic signature is Security and Intelligence Service (SIS). In this regard, SIS is the only responsible authority that supervises providers of electronic signature services; performs the accreditation of service providers and assessment of electronic signature creation devices. In addition, SIS is playing the role of the root certification authority for accredited service providers in the field of electronic signature.

The main competencies of the Security and Intelligence Service in the field of electronic signatures are the following:

- Provides the accreditation, including non-mandatory (elective), of the certification-services providers;
- Acts as the certification-service provider of the superior level for the certification-services providers accredited in the field of qualified electronic signature;
- Ensures the maintenance, updating and public access to the Register of the certification-services providers' data;
- Elaborates and approves, by normative acts, of the specifications in the field of electronic signature of all types;
- Monitors and controls the compliance of requirements in providing certification services in the field of electronic signature of all types;
- Takes part in the process of elaboration and approval of technical specifications and standards in the field of electronic signature;
- Provides, upon request, theoretical and practical assistance related to the electronic signature mechanisms;
- Contributes to the international cooperation in the field of electronic signature.

The legal framework that regulates the electronic signature is composed of the following:

- Law 91/2014 on electronic signature and electronic document;
- Government Decision 1140/2017 for the approval of the Regulation on activity of certification service providers in the field of electronic signature;

- SIS Order 70/2016 on the approval of some normative acts regarding the organization of the activity of certification service providers in the field of electronic signature;
- SIS Order 69/2016 on the approval of the Technical norms in the field of qualified advanced signature;
- SIS Order 25/2017 on the approval of the Regulation of the procedure for endorsement of the devices related to electronic signature.

## **J. Accountability and cooperation**

### **62. How is the accountability of the relevant authorities in this area ensured?**

In the Republic of Moldova, the accountability in the field of information society is realized by several state authorities and institutions (Parliament, Government, Office of the Deputy Prime Minister for Digitalization, Ministry of Economy, Ministry of Infrastructure and Regional Development, Moldova eGovernance Agency, ANRCETI) and is regulated by the Constitution of the Republic of Moldova<sup>119</sup>, Law no. 136 of 07 July 2017 regarding the Government<sup>120</sup>, Law no. 98 of 04 May 2012 on the specialized central public administration<sup>121</sup>, and ordinances, decisions and provisions of the Government.

The main public authority responsible for the field of information society and which has general competences in this sense is the Government of the Republic of Moldova. The Government is a collegial body, composed of the members of the Government: Prime Minister; First Deputy Prime Minister; Deputy Prime Ministers; Ministers and other members established by the organic law. The Government is responsible for the performed activity in front of the Parliament, which activity may be ceased in case of the vote of no confidence expressed by the Parliament and following the submission and voting of a motion of censure.

The members of the Government are responsible for the assigned fields of activity and for the activity of the Government as a whole<sup>122</sup>.

The accountability of a Minister consists in notifying the Government of anything that is important for the implementation of policies and decisions, submits proposals on the Government's action plan; initiates the drafting of normative acts in the assigned fields of activity and is responsible for the implementation of the Government programs and policies, for the decisions and measures it has taken or not taken, but also for the execution of decisions and indications given by the Prime

<sup>119</sup> [https://www.legis.md/cautare/getResults?doc\\_id=111918&lang=ro](https://www.legis.md/cautare/getResults?doc_id=111918&lang=ro)

<sup>120</sup> [https://www.legis.md/cautare/getResults?doc\\_id=125861&lang=ro](https://www.legis.md/cautare/getResults?doc_id=125861&lang=ro)

<sup>121</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129125&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129125&lang=ro)

<sup>122</sup> [https://www.legis.md/cautare/getResults?doc\\_id=105700&lang=ro](https://www.legis.md/cautare/getResults?doc_id=105700&lang=ro)

Minister. Additionally, the Members of the government, at the request of the Prime Minister, submit activity reports on the areas entrusted to them<sup>123</sup>.

Additionally, there is important to be mentioned that ANRCETI is a central public authority for regulating the market for electronic communications, postal communications and information technology services, has the status of a legal entity with autonomous budget, being independent of network and/or service providers, electronic communications equipment manufacturers, postal operators as well as the Government.

**63. Has a contact point been appointed (in the Ministry, regulatory authority, and other authorities if relevant) to cooperate with authorities in other European countries?**

Within the Ministry of Economy operates the Directorate for Information Technology and Digital Economy Policies, which is responsible for strengthening and development of the cooperation in the field of information technology and digital economy with foreign countries, including EU member states and Eastern Partnership countries. At the same time, at the national level the Ministry of Economy has the role of the national coordinating authority of the Panel for the Harmonization of Digital Markets within the EaP, and of the activities within the EU4Digital Project. Likewise, the Ministry of Economy ensures the coordination of activities on the dimension of the digital economy in relation to the International Telecommunication Union.

## **K. Digital literacy, skills and advanced competences**

**64. Does Moldova have/foresee a digital skills policy to ensure its people are equipped for the digital transformation of the economy and society?**

The Republic of Moldova has initiated the elaboration of the Digital Transformation Strategy for the years 2022-2030. One of the main priority objective is *development of a digital society*, which will underline the importance of the implementation of the whole of society concept in the digital transformation effort of the Republic of Moldova, where every citizen of the country should benefit from the digital transformation policies and solutions and no one should be excluded from them. The following key actions will be analyzed and developed:

- widespread use of digital services;
- a pro-active educational system that supports digital transformation;
- more involvement of all sectors in the development of digital goals, including various pilot projects (sandbox-es), widespread dissemination of

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<sup>123</sup> [https://www.legis.md/cautare/getResults?doc\\_id=105700&lang=ro](https://www.legis.md/cautare/getResults?doc_id=105700&lang=ro)

information, including national general and focused informational programs;

- reducing the digital divide between rural and urban areas, young and adult population, etc;
- developing digital literacy for everyone (benefits, possibilities and risks of the digital society);
- involvement of the members of the diaspora in all projects related to digital Moldova;
- the importance of digital skills for new business opportunities and present/future jobs;
- developing the skills and competencies of teachers and students, in all types of educational institutions (kindergarten, school, vocational, universities, life-learning, specialized, etc);
- promoting digital knowledge/competencies as a life skill and national educational priority;
- promotion of internet voting;
- strong involvement of local authorities in all phases of digital transformation;
- supporting initiatives from the diaspora in the digital sphere;
- development of specialized studies and research areas in the digital field;
- digitally educated society, public and private sectors and highly qualified professionals in the digital field”.

The Digital Transformation Strategy is a follow-up of the National Strategy for the Development of Information Society ‘Digital Moldova 2020’<sup>124</sup> and the Strategy of Development for the Information Technology Industry and Digital Innovation Ecosystem for 2018-2023<sup>125</sup>.

After the approval of the National Development Strategy "Moldova 2020", the Ministry of Education has developed two comprehensive policy documents to achieve the objectives set out in the priority "Studies: relevant for career" - Vocational / Technical Education Development Strategy for 2013-2020 and Education development Strategy for the 2014-2020 years "Education 2020". Both documents are synchronized with the National Development Strategy "Moldova 2020" and supported by the Education Code approved in 2014.

One of the strategic directions of the Education Development Strategy 2014-2020 ”(Education 2020) was“ Effective integration of ICT in education ”which aimed to increase access to quality education by equipping educational institutions with modern equipment, useful for the study process. ; developing digital skills by developing and applying digital educational content in the learning process;

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<sup>124</sup> [https://www.legis.md/cautare/getResults?doc\\_id=49441&lang=ro](https://www.legis.md/cautare/getResults?doc_id=49441&lang=ro)

<sup>125</sup> [https://www.legis.md/cautare/getResults?doc\\_id=109078&lang=ro](https://www.legis.md/cautare/getResults?doc_id=109078&lang=ro)

increasing the effectiveness and efficiency of school management at system, school and classroom level through information technologies.

Another important document was the National Strategy "Digital Moldova 2020", which provided for "Strengthening ICT capacity - a high degree of benefits they offer to all members of society." Its aim was to increase digital literacy, develop digital skills and ensure digital inclusion. It addressed two strategic directions related to education, such as the digital education program in compulsory general education and the lifelong learning program and digital inclusion "Digital skills for all". It included strategic directions with regard to education, such as the Digital Compulsory General Education Program and the Digital Continuing Education and Digital Inclusion Program for All, which is the orientation of the education system towards the formation and development of digital skills and leads to the integration of large-scale information technology in the education system.

In this context, by now, Moldova has achieved important results in the field of fostering digital skills, through diverse initiatives, as following:

- In 2018, the Ministry of Education in partnership with the National Association of ICT Companies and Tekwill ICT Excellence Center has introduced *Digital Education* for all primary Schools in Moldova (altogether 1100 institutions).
- As of 2020, the Ministry of Education, Culture and Research together with the Ministry of Economy and Infrastructure has signed a Memorandum of Understanding to provide market driven tech related curricula within Tekwill in Every School Program. Altogether 50,000 students are planned to study the provided curricula as of September 2022.
- „*Tekwill in Every School Program*” it is the most revolutionary educational project in the country, designed with the goal to offer Moldovan students equal educational opportunities driven by IT sector market needs. Mainly, it is a comprehensive program of extracurricular courses, dedicated to pupils aged between 13 and 19 years old. The project allows free access to innovative digital resources, offering necessary knowledge and skills, to better prepare the beneficiaries for the professions of the future. The program aims to transform the education in the Republic of Moldova, both through the development of well-prepared young generation for the professions of the future and through introducing new teaching methods in the learning process within the educational institutions: blended learning and the flipped classroom. In the long term, the project has the mission to harness the country's human capital and raise a generation of people who would create products and services at home in Moldova, that respond to national and global socio-economic challenges and at the same time provide students with the skills needed for professions sought after on the labor market. The project is supported by the Ministry of Education and Research through the Memorandum of Understanding signed on 22 July 2020. The signing of this document allowed to expand the curricular offer with inclusion of optional IT

subjects for middle and high school, and pupils' grades VII - XII can study now at their choice, "Web Design and Development", "Graphic Design", "Algorithm Programming in C/C++", "Mobile Application Design and Development", "Artificial Intelligence" and "Entrepreneurship".

- 15000+ students beneficiary of robotics activities across the country;
- 400+ teachers have been trained on the programs;
- 40000+ hours of robotics deployed;
- Organization of the national competition FIRST LEGO League Moldova, FIRST LEGO League Junior, SumoBot Challenge;
- Participation of Moldovan robotics teams in 10 international and regional competitions;
- 3 gold medals (year 2019) and 1 bronze medal (year 2018) at the FIRST Global Challenge World Robotics Olympiad.
- 2014 - Launch of the project "Connect!" - 10 schools were equipped with 500 laptops.
- 2015 - Diversifying the curricular offer in the field of IT subjects by developing the curriculum for the optional subject Robotics for grades III-XII.
- 2015-2018. Piloting of the modernized curriculum on discipline Computer Science in 63 educational institutions.
- 2015. Development of Digital Competence Standards for primary, secondary and high school pupils and Digital Competence Standards for general education teachers.
- 2015. Development of minimum standards for equipping primary, secondary and high schools with ICT. These Standards were updated in 2019.
- 2017. Launch of the pilot project "Classroom of the Future" - a public-private partnership between the Ministry of Education and Research, the United States Agency for International Development (USAID), the Government of Sweden, in partnership with the National Association of Information and Communications Technology Companies (ATIC). During the years 2017-2022, 42 educational institutions were equipped with flexible furniture and modern IT equipment such as robotics sets, portable science labs, sensors for experiments, sets for creating microelectronic circuits, 3D printers and scanners, microcomputers, VR glasses, etc.
- 2019. Opening of the National Centre for Digital Innovations in Education "Classroom of the Future" - a platform for digital innovations in education, which ensures the rethinking of how new technologies transform the learning process and their implementation in the system. The Centre provides continuous training of teachers in the country in the application of modern pedagogical methods and the use of digital technologies to make the teaching process more efficient. The National Center for Digital Innovations in Education "The Classroom of the Future" is placed in the

Pedagogical State University "Ion Creanga", and offers a flexible and reconfigurable space, inspired by the principles of "The Classroom of the Future" and equipped with digital educational equipment such as SMART interactive screens, robotics sets, 3D printers, digital labs, sensors, microcircuits, VR glasses, panoramic cameras, smart home devices and systems, etc. The National Centre for Digital Innovations in Education "Classroom of the Future" is a public-private partnership (PPP) between the Ministry of Education and Research, the Moldova Competitiveness Project funded by USAID, the Government of Sweden, UK, Orange Foundation Moldova and Liechtenstein Development Services Foundation (LED).

- 2018-2019. Modernization and curriculum development for the school disciplines Technological Education and Computer Science. In primary education, grades 1-4, the subject of Technological Education has been completed with the modules "Digital Education" (obligatory to learn) and "Robotics". The subject of Informatics has been reconceptualised by including the variable part, giving pupils the possibility to select a module of their choice from the 3-4 proposed modules.
- 2020. Diversification of the curriculum offers to optional disciplines focused on building students' digital skills and effective use of modern information technologies: Mobile Application Design and Development, Web Design and Development, IT Security, Graphic Design, Artificial Intelligence.
- 2020-2021. Implementation of the National Digital Literacy Programme for teachers. In 2020 - 20045 teachers were trained of primary, secondary and high school (75.61% of the total number of primary, secondary and high school teachers), and in 2021 were trained 10,285 early education teachers (80.35% of the total number of early education teachers).
- 2020-2021. Purchase from the state budget 13180 laptops and another equipment for primary, secondary and high schools to provide distance education.
- 2021. Development of Standards for the online protection and safety of children/students<sup>126</sup>. The Standards aim to ensure the implementation of the Safe Online School Model - a comprehensive approach to online child safety in schools, drawn from international best practice in the field. Several digital tools in (public) education have also been designed and developed, which aim to digitize education. These include: Education Management Information System (EMIS), developed and managed by the Ministry of Education and Research (<https://sime.md>). SIME also contains an electronic register for schools. SIME is constantly being developed and improved. Another solution is the platform <https://www.educatieonline.md>, which is a platform for students with content approved by MEC. At the moment, the platform contains 7 652

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<sup>126</sup> [https://mecc.gov.md/sites/default/files/ordin\\_aprobare\\_sso.pdf](https://mecc.gov.md/sites/default/files/ordin_aprobare_sso.pdf)

lessons, including 4490 lessons in Romanian<sup>127</sup> and 3162 lessons in Russian<sup>128</sup> for students in grades I-XII for 15 school subjects.

At the educational level, a digital skills policy for the VET system is promoted through the Modular Curricula of Information Technologies and Communications. There are 5 modules within the Curriculum: Administration of personal computers and networking; Operating system administration; text processing; table calculation; multimedia technologies; Communication technologies.

The Ministry of Education and Research is promoting the usage of the European Framework for the Digital Competence of Educators (DigCompEdu) which provides a general reference frame to support the development of educator-specific digital competences in Europe. Also, the VET institutions with the support of external partners piloted and started to implement the SELFIE (Self-reflection on Effective Learning by Fostering the use of Innovative Educational technologies) which is a free tool designed to help schools embed digital technologies into teaching, learning and assessment.

Moreover, the Ministry of Education, Culture and Research and the American tech giant Google signed a Memorandum of Understanding in 2020 on the implementation of Google for Education in the Republic of Moldova. According to the Memorandum, teachers and students from the Republic of Moldova have free access to Google for Education tools from the G Suite package, which shall facilitate teaching, learning and evaluation and foster the interaction between the participants in the learning process, including e-learning, and shall provide a secure and efficient platform to the educational system of our country.

In 2020, the Ministry of Education, Culture and Research and the Microsoft Corporation signed a Memorandum of Understanding based on which a strategic partnership will be established to support the educational system of the Republic of Moldova in using the most innovative information technologies. Due to this partnership, the country's educational institutions will have access to Office 365 A1, interactive platforms for the training and retraining of the teaching staff and supporting the implementation of online and hybrid learning models.

**65. What are the main measures to encourage acquiring digital skills (in schools, but also for employees in the private and public sector)?**

The main measures to encourage digital skills lay in strategies and policies adopted by the Government in this sense.

For example, some objectives in this sense were achieved as mandatory Digital Education module for primary school at the national level, approval and

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<sup>127</sup> <https://www.youtube.com/channel/UCAy3De788B9BywOkCHb1VUg>

<sup>128</sup> <https://www.youtube.com/channel/UCpcDn1POkH8ov8HfiYAY9NQ>



implementation of the educational standards for digital skills, Education Management Information System and Concept approved by *Government Decision no. 601 of 12 August 2020 on the approval of the Concept of the Management Information System in Education*<sup>129</sup>, update of the Informatics Curriculum for the compulsory general education, moderate signs of progress on implementation of the Ministry of Education Action Plan on computerization of the general education, mainly with the support of donors and local authorities for robotics kits, teachers training, digital laboratories, digital manufacturing equipment (3D printers), multimedia classes.

Some key achievements have been registered with external support, such as the implementation of the Novateca Program for public libraries' digitalization supported by the Foundation of Bill and Melinda Gates. During this five-year program, public libraries were transformed into vibrant digitized community platforms to provide universal access to technology and to offer basic training for the population in the use of ICT and public electronic services. Novateca has expanded its network of over 1,070 modernized public libraries, fully equipped with computers and free Internet access all over the country. Under the 5 years program, over 1,500 librarians were trained in the field of PC use and the creation of new library services. Also, during this period, support was provided for the organization of different public awareness events. Now, Novateca delivers over 350 modern services in various fields for about 400,000 users. Structure of training by fields: digital inclusion - 28%, education - 22%, communication - 20%, culture and recreation - 14%, health - 10%, e-government - 5%, economic growth - 2%.

Another considerable contribution to the ICT educational initiatives was the creation in partnership with the Technical University of the ICT Centre of Excellence Tekwill, a private-public partnership launched in March 2017 and implemented by ATIC. Tekwill implemented over 150 various programs in support of digital literacy and digital innovation proliferation for different social groups and professionals, delivered over 50,000 hours of training, with over 11 thousand beneficiaries, and assisted over 200 new tech companies/startups. Currently, the Tekwill model is rapidly expanding in regions on university platforms in Cahul, Comrat, and Balti. The Tekwill in Every School Program is extending its physical and content presence outside Chisinau, in regions. The National Center for Digital Innovation in Education Clasa Viitorului was launched in April 2019. The Center offers modern training spaces, where teachers can experience new technologies, new scenarios of the educational process, using transformative technologies, programming, robotics, IoT, etc., as well as access to state-of-the-art equipment. The scope of the Center, which is created on premises of the Pedagogical University, is to provide necessary educational platform to train teachers, contributing to transformation of the educational system of the country. Digital literacy, e-skills and digital inclusion set as priorities of the Digital Moldova 2020 Strategy did not have sufficient institutional support and project implementation capacities. As a result, this line of activity had a modest

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<sup>129</sup> [https://www.legis.md/cautare/getResults?doc\\_id=122778&lang=ro](https://www.legis.md/cautare/getResults?doc_id=122778&lang=ro)

contribution to the transformation of the educational system and therefore, a reduced impact on digital transformation of the society. Despite a significant effort in Electronic Governance and Digital industries development, the general digital transformation of the society and further absorption of the digital innovation in various areas of economy and society remains at a modest level compared to the EU and Eastern European countries. A systemic approach and a consolidated national digital transformation vision with special focus on digital education and inclusion is necessary.

Generally speaking, digital skills are largely encouraged in schools especially in the last two years. Teaching personnel being exposed to various ad hoc trainings on using digital tools and teaching digital skills. On behalf of the private sector, the main measure to encourage the acquisition of digital skills is promotion of competitiveness among the sectors. Due to higher and higher competition the private companies, for example in the ICT sector cover all costs for upskilling and even reskilling of their personnel. A big number of trained personnel are also developed by the private sector, via courses and internships taught by various companies in this field.

An important step towards supporting acquiring new digital skills was the establishment of the *Centre for Innovation and Training in Digital Governance* under the E-Governance Agency, whose mission is to ensure the development and implementation of training, core digital skills development and building programmes to close the digital gap, to promote digital governance solutions and to secure large-scale assimilation and usage of information solutions. The Centre serves as a focal point for all the training and professional development initiatives in the field of digital governance, for the public and private sector, academia and civil society.

*Development of the Governmental e-Learning Platform.* The Governmental Platform was created by the Government Decision no. 411/2020 and represents a platform-based information system, a part of the state information resources of the Republic of Moldova, whose aim is to provide natural and legal persons (of both public and private law) an efficient, viable and modern staff training mechanism by creating, developing and offering online educational resources, as well as access to information to be used for staff professional development.

*Establishment of 80 Universal Service Provision Centres (CUPS)* implies the creation of some optimal conditions to access e-public services but also promote digital literacy among vulnerable groups who don't have a personal computer and lack digital skills to access the services. Thus, citizens from rural areas are offered support, are informed and gain knowledge on how to access electronic public services at the CUPS.

As with relevance to the educational system, we will mention that an important reference system for self-assessment of the level of general education teachers' performance is presented by the Standards of Professional Competence for

Teachers<sup>130</sup>, as well as the Digital Competence Standards for Teachers in General Education<sup>131</sup>.

The domains of competence for teachers in general education have been determined in accordance with a number of national and international documents, belonging to the domain of transversal key digital competence in the European Parliament and European Council framework document on key competences for lifelong learning.

Defining teachers' competences in the form of a policy document to guide their training and professional development throughout their careers is one of the major conditions for raising student achievement. The standards are basic benchmarks in organizing the process of teacher evaluation, professional development and career progression.

In order to encourage teachers to modernize their teaching-learning-assessment process through the implementation of ICT in education, the Ministry of Education and Research has organized and conducted various digital skills training courses. A major impact has been made by the National Digital Literacy Programme, carried out during 2020 and 2021. The training sessions conducted by the National Centre for Digital Innovations in Education "Classroom of the Future", through which multiple training courses were conducted to familiarize teachers with the educational applications offered by the Google For Education package.

Also, a significant and encouraging contribution for teachers were the training sessions organized within the project "Tekwill in every school", the development of teaching resources for the implementation of ICT in education, the educational platform with resources for students and teachers<sup>132</sup>.

For primary, secondary and high school students, in order to motivate the development of digital competences, the school curriculum for the subject of Computer Science was updated. Also was diversified the curricular offer for optional subjects. Since 2018, the Digital Education module is a compulsory module studied by students in primary school. Digital supports for students and teachers to study the Digital Education module have been developed<sup>133</sup>.

The Republic of Moldova has made significant progress in the ICT sector. According to the Strategy for the Development of the Information Technology Industry and Ecosystems for Digital Innovation 2018-2023, the main indicators of the ICT industry have increased substantially in recent years and the demand for ICT specialists is growing.

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<sup>130</sup> [https://mecc.gov.md/sites/default/files/standarde\\_cadre\\_didactice.pdf](https://mecc.gov.md/sites/default/files/standarde_cadre_didactice.pdf)

<sup>131</sup> [https://mecc.gov.md/sites/default/files/cnc4\\_finalcompetente\\_digitale\\_profesori\\_22iulie2015\\_1.pdf](https://mecc.gov.md/sites/default/files/cnc4_finalcompetente_digitale_profesori_22iulie2015_1.pdf)

<sup>132</sup> <https://tekwill.online/>

<sup>133</sup> <http://ctice.gov.md/resurse/educatia-digitala/>

**66. What is its budget, targets and timeline? What are the main funding sources for acquiring and improving digital skills?**

The main funding sources for acquiring and improving digital skills are donor driven within projects oriented at the development. Major projects to be outlined are:

- Tekwill<sup>134</sup> - Enhance Education, Promotion of ICT Career, Startup Ecosystem Growth, Support to value added services/products companies, increase Sector exports/value/sales/capacity. Develop Tekwill regional Centers through deployment of relevant ICT educational content and entrepreneurship activities in the regions (Chişinău, Bălţi, Cahul, Comrat, and potentially Tiraspol)
- EU4Moldova<sup>135</sup>: Startup City Cahul - The specific objectives are:
  - Foster partnerships for innovation and entrepreneurship between the private sector, public sector, and educational institutions in the region of Cahul.
  - Promote technology, problem solving and creative solutions in learning and make STEM topics (Science, Technology, Engineering and Mathematics) more attractive for women and men, girls, and boys.
  - Facilitate the emergence of start-ups in innovative sectors, build their capacity and investment readiness.

In order to ensure children's access to online studies and to address the shortage of IT equipment, in the period 2020-2021, from the financial resources allocated from the state budget and from the resources provided by the World Bank, Ministry of Education has purchased and sent to primary, secondary and high school institutions 13180 laptops for students and teachers. With World Bank support, 300 tablets and 100 laptops with specialized software for children with special educational needs were purchased and distributed to 100 Inclusive Education Resource Centres in the country.

As with regard to the Digital Transformation Strategy that will be developed for the years 2022-2030, in order to estimate the budget needed to implement the planned actions to achieve the set objectives, a financial analysis of the entire digital transformation process in the Republic of Moldova will be conducted for the mentioned period. The main sources of funding for the implementation of planned activities will be the state budget and programmes, including local public administration budgets, as well as development partners' budgets.

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<sup>134</sup> <https://ict.md/projects/tekwill/>

<sup>135</sup> <https://ict.md/startup-city-cahul/>

## 67. What measures are in place to implement it?

In accordance with the ACTION PLAN on the implementation of the National Strategy for the development of the information society "Digital Moldova 2020", GENERAL OBJECTIVE: Increase digital literacy, development of digital competencies, and digital inclusion, the following actions were carried out:

- Placing school textbooks in digital format on the website of the Centre for Information and Communication Technologies in Education of the Ministry of Education and Research<sup>136</sup>.
- Development of digital support for the implementation of the Digital Education module for grades 1-4<sup>137</sup>.
- Elaboration of the digital textbook for Romanian language and literature for grades 10-12<sup>138</sup>.
- Development of the curricular offer for the optional subjects in the IT field: Robotics, Design, and Development of Mobile Applications, Design and Development of Web Pages, Initiation in IT Security, Graphic Design, Artificial Intelligence (2020)
- Digital Library Development<sup>139</sup>.
- Teacher training through the National Digital Literacy Program (2020, 2021)
- Equipping educational institutions with computing technology (12180 laptops purchased in 2020-2021)
- Development of "Early Education" modules," Technical Vocational Education", and "Electronic Catalogue" within the Education Management Information System of the Ministry of Education and Research<sup>140</sup>.
- Creation of the National Centre for Digital Innovations in Education "Classroom of the Future"<sup>141</sup> (2019)
- Development of Digital Competence Standards for primary, secondary, and high school students (2015)
- Development of digital competence standards for teachers in general education (2015)
- Development of minimum standards for the ICT equipment of school offices (2015, 2019).

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<sup>136</sup> <http://ctice.gov.md/manuale-scolare/>

<sup>137</sup> <http://ctice.gov.md/resurse/educatia-digitala/>

<sup>138</sup> <https://literaturaromana.md/>

<sup>139</sup> <https://educatieonline.md/>

<sup>140</sup> <https://sime.md>

<sup>141</sup> <https://www.clasaviitorului.md/categorie/cnide/>

**68. Do you have/foresee measures to upskill and reskill the labour force with digital skills?**

Tekwill has a series of programs provided for general market to reskill or upskill the labor force. The programs used to support the reskill or upskill are *Tekwill Academy* and *Women in Online Work* targeting women inclusion.

- *Tekwill Academy* is an educational initiative that provides technical courses and trainings on a regular basis, on specific topics, taught by trainers and professionals from ICT field of Moldova and of foreign countries. Tekwill Academy was created and operates within the project "Development of the ICT Excellence Center of Moldova", implemented by the Moldovan Association of ICT Companies with the support of USAID and Sweden. Tekwill Academy courses have been developed to help eliminate the gap between training of specialists in professional and higher education institutions and the need in such specialists of the local IT industry. Tekwill Academy welcomes anyone who wants a change in career and wants to revolutionize the field they work in, with the help of knowledge and skills.
- *Women in Online Work*, it is project launched in autumn 2020, with the support of the Swiss Cooperation Office within the "Optimal – Opportunities through Technologies and Innovation in Moldova" Project, implemented by the TEKWILL Project in partnership with Helvetas Swiss Intercooperation and the Chamber of Commerce and Industry of the Republic of Moldova. It includes several courses and individual guidance sessions, tailored to the needs of women to be prepared for the challenges of working in the digital environment. Thus, a training program was offered to minimum 400 women from Chisinau, Balti, Comrat, Cahul and rural regions to acquire necessary IT competencies and skills for accessing various international platforms for providing freelance services.

With reference to the development of teachers' digital competencies, the Ministry of Education and Research has developed and approved Order No. 92 of 30.01.2019 the Methodology for the development of continuous professional training programs for teachers, which stipulates that institutions providing continuous professional training services for teachers shall develop multimodular Continuous Professional Training Programs, which also include the ICT in Education Module<sup>142</sup>

Thus 13 higher education institutions and 4 continuing education institutions and NGOs provide 193 accredited continuing professional training programs for teachers, which contain the ICT in Education Module (Database of short and continuing training programs of public institutions, SRL, NGO, accredited by

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[https://mecc.gov.md/sites/default/files/metodologia\\_de\\_elaborare\\_a\\_programelor\\_de\\_formare\\_profesionala\\_continua\\_a\\_cadrelor\\_didactice.pdf](https://mecc.gov.md/sites/default/files/metodologia_de_elaborare_a_programelor_de_formare_profesionala_continua_a_cadrelor_didactice.pdf)

MEC can be consulted on: <https://mecc.gov.md/ro/content/baza-de-date-programelor-acreditate-de-ministerul-educatiei-culturii-si-cercetarii>).

At the same time, in order to ensure the development of digital competencies of adults, the Ministry of Education and Research has initiated the development of a National Digital Literacy Program, an action foreseen in the Government Action Plan for 2021-2022, approved by Government Decision no. 235/2021.

**69. What, if any, non-formal education and training modules are in place, including in advanced technologies?**

The following non-formal education and training programs in the field of ICT are available for the public:

- Tekwill Academy<sup>143</sup> - a special program for training specialists in the future technologies. About 14 technologies are taught in 4 locations in Moldova.
- Youth Maker Club<sup>144</sup> - The YMC workshops, local and national makeathons, camps will diversify skillset of VET students with the in-demand ones – tech skills, highly required by companies, which use different technologies in their production process. This will contribute to formation of new generation of young professional, who are able to come up with solutions and innovations in tech and non-tech related processes.
- Tekwill in every school<sup>145</sup> – As of 26th of July, nearly 1200 teachers in the country are attending the Digital Education curriculum so that in the fall they can share with their student's computer knowledge, develop skills in the field of technology and robotics, and nurture their interest in information technology. Teaching period: July 26 – August 6, 2021 (in total 8-10 classes - 2 hours per session) Presentation of projects for the graduation of the training program: August 13 – 20, 2021. After the ending of the training program, teachers will have 7-10 days at their disposal to draft their final projects that will confirm the quality of the acquired new digital knowledge / skills.
- Tekwill Academy Kids<sup>146</sup> - The Center for Education and Training provides for the specialization of information technology domains.
- Artcor School<sup>147</sup>
- The Governmental e-Learning Platform was established by the Government Decision no. 411/2020 and represents a platform-based information system whose aim is to provide natural and legal persons (of both public and private law) an efficient, viable and modern staff training

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<sup>143</sup> <https://tekwill.md/tekwill-academy/>

<sup>144</sup> <https://ict.md/led/>

<sup>145</sup> <https://tekwill.online/>

<sup>146</sup> <http://tak.md/>

<sup>147</sup> <https://artcor.md/ro/scoala>

mechanism by creating, developing and offering online educational resources, as well as access to information to be used for staff professional development. Thus, different online courses were developed and uploaded to the Platform: courses on cyber security, modules for platform services (MPay for integrators, MNotify, MConnect, Semantic Catalogue, etc.) etc. Eight additional e-modules will be developed until the summer of 2022 and uploaded to the platform. These will cover the following topics: e-services for everyone, key steps in accessing public services, efficient public communication, optimisation of business processes in public institutions, right to information (petitions), introduction into digitalisation, data exchange (interoperability), citizens' feedback on their access to public services

Additionally, in order to develop non-formal adult education on digital literacy of citizens, the Ministry of Education has initiated the development of a National Digital Literacy Programme, an action provided for in the Government Action Plan for 2021-2022, approved by Government Decision No 235/2021.

**70. Do secondary schools dispose of adequate equipment for digital education solutions i.e. hardware, apps, learning materials and resources?**

The school's equipment intended for digital education was update especially following the pandemic crisis which boosted the development in this sense. The "Gigabit Internet for Your School" project was launched in December 2021 and is a continuation of the Memorandum of Understanding "Supporting Connectivity and the Use of Digital Technologies in Education" signed by the Ministry of Education and Research, Competitiveness Project (later succeeded by the Future Technologies Project) funded by USAID and Sweden, and by internet service providers in the country.

In 2021 early education institutions had 5700 computers, of which 3812 (or 66.9%) computers were used for educational purposes, compared to 3250 computers in 2020. Of the total number of computers, 82% had an internet connection, up 6.5 p.p. from 2020.

Primary and general secondary schools have 37.0 thousand computers used for educational purposes (or about 23% more than in 2020/21), of which 18.1 thousand (48.9%) are connected to the shared school network and 31.4 thousand (84.9%) have an Internet connection. At the same time, 20.1 thousand computers are used by pupils, 15.9 thousand by teaching staff, and one thousand computers are used in libraries. Compared to the academic year 2020/21 both the number of computers used by students (by 17.5%) and teaching staff (by 31.4%) has increased<sup>148</sup>.

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<sup>148</sup> <https://statistica.gov.md/newsview.php?l=ro&idc=168&id=7234>



<i>Provision of computers to primary and general secondary education institutions by area</i>						
	<i>Total number of computers</i>	<i>Number of computers with Internet acces</i>		<i>Number of computers used for teaching purposes</i>		<i>Number of computers used for teaching purposes per 100 pupils</i>
		<i>Total Total</i>	<i>în / in %</i>	<i>Total Total</i>	<i>în / in %</i>	
2016/17	27.566	18.167	65,9	24.111	87,5	7,2
2017/18	29.262	19.990	68,3	25.570	87,4	7,6
2018/19	30.528	21.117	69,2	26.712	87,5	8,0
2019/20	32.561	23.635	72,6	28.503	87,5	8,6
2020/21	34.440	27.625	80,2	30.114	87,4	9,0

In order to ensure children's access to online studies and to address the shortage of IT equipment, in the period 2020-2021, from the financial resources allocated from the state budget and from the resources provided by the World Bank, MEC has purchased and sent to primary, secondary and high school institutions 13180 laptops for students and teachers. With World Bank support, 300 tablets and 100 laptops with specialized software for children with special educational needs were purchased and distributed to 100 Inclusive Education Resource Centres in the country.

In 2019, the MEC approved the Minimum Standards for equipping primary, middle, and high schools with ICT means (Order no.489 of 07.05.2019<sup>149</sup>).

The educational process is also supported by specialized platforms for online learning and official websites that have centralized MEC initiatives in this field. For example, through the partnership with Google, free accounts have been offered to GSuite for Education resources, SIME's electronic register. For the development of the digital library<sup>150</sup>, 652 lessons were uploaded, including 4490 lessons in Romanian<sup>151</sup> and 3162 lessons in Russian<sup>152</sup>, for students of grades I-XII in 15 school subjects, developed in partnership with the Municipality of Chisinau. The Ministry of Education has also developed multiple video lessons for preparing for national exams for middle and high school graduates, which are available on the MEC website<sup>153</sup>. More than 1200 primary, secondary and high schools (97.48%) have been granted free accounts to the Google For Education package.

<sup>149</sup> [https://mecc.gov.md/sites/default/files/ordin\\_489\\_din\\_070519\\_standarde\\_minime\\_de\\_dotare\\_cu\\_tic.pdf](https://mecc.gov.md/sites/default/files/ordin_489_din_070519_standarde_minime_de_dotare_cu_tic.pdf)

<sup>150</sup> <http://educatieonline.md/>

<sup>151</sup> <https://www.youtube.com/channel/UCAy3De788B9BywOkCHb1VUg>

<sup>152</sup> <https://www.youtube.com/channel/UCpcDn1POkH8ov8HfiYAY9NQ>

<sup>153</sup> <https://mecc.gov.md/ro/content/examenele-nationale-2020>

**71. What are the training opportunities that public servants have at their disposal to acquire digital competences with the advance of e-Government service provision?**

Currently, the training opportunities that public servants have at their disposal in the area of e-service provision are available on the Government e-Learning platform. Thus, numerous online training modules that have been developed so far cover various topics: Semantic Catalogue, MNotify for integrators, Information Security Management based on ISO 27001, e-transaction security, MPay for integrators, e-Governance security, e-Governance techniques and technologies, MConnect for integrators, e-Governance.

Another eight online training modules are currently being developed. These will cover the following topics: efficient public communication in the provision of public services, optimisation of business processes in public institutions, introduction to digitalisation, data exchange (interoperability), citizens' feedback on their access to public services.

At the same time, based on the State Order on professional development, the Public Administration Academy organises annual training courses for public servants under the provisions of Article 37 of the Law no.158/2008 on public office and the status of the public servant. The courses focus on the continuing professional development and training. Thus, according to the provisions of the Government Decision no.17/2021 on state order regarding the public servants' professional development for the year 2021, the course *"Use of new information technology at work in the public administration sector"* was delivered.

Moreover, the public institution "E-Governance Agency" (EGA) and the Technical University of Moldova (TUM) signed a Cooperation Agreement aimed at establishing inter-institutional cooperation in the area of IT training and knowledge advancement. A major objective of the Agreement is the smart use of information technology to develop e-services with a view of ensuring that TUM graduates are highly skilled, by integrating into the educational process the experience of governmental institutions in the field of technological product development and provision of electronic governmental services.

The document provides for the establishment of a framework for cooperation and exchange of experiences in digital innovation through seminars, conferences, joint practical research and exchange of ideas, all of these aiming at fostering digitalisation in the Republic of Moldova. Additionally, the Agreement provides for the joint development of research, qualified and continuing training of the staff in areas of major interest, which will ensure the specialisation and retraining of the staff in line with the current trends of the ICT sector. Another initiative contributing to the growth of the number of ICT specialists in Moldova is the development and initiation of a master's degree programme.

**72. What measures, including regulatory ones, are in place/foreseen to keep stable/increase the number of ICT specialists in Moldova?**

Through the main measures that are undertaken to keep/increase the number of ICT specialists are:

- Increasing/maintaining number of scholarships for ICT specialties. Annually, the Ministry of Education and Research approves the state program with the number of scholarships for ICT specialties. At the request of the associative sector (ATIC) and the line ministries, the number of scholarships for ICT specialties is maintained or increased, based on the possibilities of the state budget. In particular, in recent years there has been an increase in interest and competition for scholarships in IT specialties at the specialized faculties within the Technical University and the State University. There are precedents in which unsolicited scholarships from other specialties are reallocated to IT specialties.
- Updating the university curriculum in ICT specialties and attracting industry professionals to teach in ICT faculties.
- The fiscal incentives for highly qualified IT Personnel Employees of IT companies which gives benefit from personal income tax (PIT) incentives for employment salaries earned from such companies - standard taxation being limited to certain monthly amounts (i.e. two national average forecasted salaries). Under the incentives employees' positions should be registered by: analyst, developer, design of systems, engineer, database administrator, network administrator, software engineer, information project manager.
- The single tax (which covers all taxes normally owed by companies and their employees) paid by residents of "Moldova IT Park" in the amount of 7% of sales revenue (but not less than the minimum amount 2 970 MDL / 150 EUR per month per employee), which includes the following taxes and duties: income tax from entrepreneurial activity, income tax from salary, compulsory state social security contributions due by employees and employers, compulsory health insurance premiums due by employees and employers, local taxes, real estate tax and road use tax by motor vehicles registered in the Republic of Moldova, due by park residents in accordance with applicable law.

**73. Has Moldova been experiencing a brain drain of ICT specialists?**

The ICT sector is affected by brain drain overall, and the education system in Moldova suffers from the under-investment, lacking agility to market demand at the same time.

ICT sector faces a big shortage of skilled professionals to address the growing market needs. In 2020 more than 23,600 individuals were employed in the IT&C sector and their number is insufficient.

Simultaneously with the decrease in the number of companies, the number of specialists employed in the electronic communications sub-sector decreased from 6940 people in 2015 to 5940 people in 2020.

Regarding the IT industry, the dynamics of the number of employees is increasing from 9359 people in 2015 to 17704 people in 2020, of which about 16000 people are directly involved in IT activities. The retention in the country and the increase in the number of IT jobs are due to the facilitated regime offered by the Information Technology Park "Moldova IT Park" starting with 2018.

**74. If yes, is that at a rate that can jeopardise having sufficient qualified experts in the labour market?**

The number of IT professionals is below the real need of the labour market, even comparing to the countries in the region. This is a factor of major constraints for the industry's further growth and competitiveness. Moldova has only about 16 thousand of IT engineers from about 2.6 million of total population, which is about 0.61%, while the regional average is about 1% of the population.

In this regard, the local offer of IT specialists is supplemented by the IT Visa mechanism launched in 2019 which offers the possibility for local IT companies to attract foreign IT specialists and managers who receive a residence permit with the right to work for a period of 2 years and 4 years respectively, with the possibility of extension. However, so far only about 100 foreigners have benefited from this mechanism, but the dynamic is growing and in the first quarter of 2022 we already have 22 new IT Visa beneficiaries.

**75. If yes, is Moldova planning/rolling out initiatives to turnaround that phenomenon?**

Among the key measures aimed at stimulating the growth of the number of specialists, their retention and official employment we can mention virtual „Moldova IT park” (MITP) - a special fiscal and administrative regime for the IT industry since 2018 has contributed to a large-scale formalization of the sector and a higher level of qualified personnel retention within the country. Also, the high market demand for more and more skilled IT professionals and growing salaries (1750 Euro average salary within MITP) confirms the potential of the IT industry in Moldova.

But further positive evolutions in the sector are directly interlinked with a set of dedicated policies in support of career orientation, tech education and adopting digital innovation.

In this regard, with the support of development partners, National Association of private ICT companies (ATIC) organized a series of career guidance events for

young and potential professionals. The 6 editions of the “Choose a Career in IT” campaign, held in Moldovan educational institutions, included over 100 career guidance sessions and brought together over 8,000 students from 100 educational institutions. Moreover, since 2010, ATIC organized 12 editions of "ICT Career Orientation" - the largest career guidance event in the field of Information and Communication Technology dedicated to pupils and students in educational institutions. For 12 years, more than 10,000 young people have benefited from the initiative. ICT career sessions have been organized in 220 schools during 12 years. Overall reach 400,000 people through online campaigns.

As of STEM, ATIC organized other events such as „Women can do IT” - 2000 women passed through career guidance. Additional, educational sessions offered in digital skills to 5000 women and training in software testing and graphic design.

At the same time, the non-profit organization TEKEDU has developed and implemented the GirlsGoIT project for 5 years. The mission of the project is to contribute to the greater involvement of girls and young women in the IT field, through trainings and internships in professional-technical institutions, so that a career option in the IT field becomes realistic and ensures good salaries. The project provides educational offerings through trainings and counseling in technology education, using the STEM approach (Science, Technology, Engineering and Mathematics) and offering internship opportunities in partner companies in the IT field. During the 5 years of project implementation, 543 girls were trained in software development, engineering and electronics.

### **III. AUDIOVISUAL POLICY**

These questions are related to the *acquis* in the field of audiovisual policy: the provisions of the Audiovisual Media Services Directive (Directive 2010/13/EU of the European Parliament and of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services), as amended by [Directive \(EU\) 2018/1808 of the European Parliament and of the Council of 14 November 2018](#); the Recommendation of the European Parliament and of the Council of 16 November 2005 on film heritage and the competitiveness of related industrial activities and the two Recommendations on the protection of minors: the Council Recommendation of 24 September 1998 on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity and the Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry.

#### **A. General framework**

##### **76. Is the media legislation aligned to European standards on media in accordance with fundamental democratic principles?**

The Constitution of Moldova provides that human rights and freedoms are interpreted and applied in accordance with the Universal Declaration of Human Rights (art.4), with pacts and treaties that the Republic of Moldova is part of. International regulations have priority over the national ones in case of discrepancy. Freedom of thought, of opinion and of expression in public by means of word, image and any other possible means is guaranteed. Freedom of expression may not harm the honor, dignity or the rights of other people to their own vision (art.32). Censorship of media is prohibited and the right of people to access any information of public interest is enshrined in art.34.

The Audiovisual Media Services Code (AVMSC) passed in November 2018, that entered into force in January 2019, transposes the provisions of the EU Audiovisual Media Services, and provides for the regulation of TV and Radio<sup>154</sup>.

Article 7 of the Code - Freedom of expression - stipulates the following:

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<sup>154</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130823&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130823&lang=ro)

(1) The state guarantees freedom of expression to media service providers and media service distributors.

(2) Media service providers and media service distributors are obliged to respect the right of persons to freedom of expression as well as the right to receive information.

(3) Media service providers and media service distributors make audiovisual media services available to the public in accordance with the provisions of this code and of Law No. 64/2010 on freedom of expression.

(4) The Audiovisual Council acts, ex officio and at the notification, in order to ensure freedom of expression.

(5) The control of the content of audiovisual media services before their broadcasting is prohibited.

Other laws covering media are the Law on Freedom of Expression (Nr.64/2010), the Law on Access to Information (Nr. 982/2000), the Law on Transparency in Decision-Making Process (Nr. 239/2008), the Law on Copyrights and related rights (Nr. 139/2010); the Law on Advertising (Nr. 195/2021), the Law on Media Development National Concept (Nr.67/2018).

The Law on Freedom of Expression<sup>155</sup> has the goal to guarantee the right to freedom of expression and balance the right to free expression with the defence of honour, dignity, professional reputation, family, and private life. Any person is entitled to freedom of expression, including the right to look for, receive and communicate facts and ideas. It protects both the contents and the form of the information expressed, including information that offends, shocks, or bothers.

The exercise of freedom of expression may be subject to the restrictions required by law in a democratic society for national security, territorial integrity, or public safety, to defend order and to prevent crime, to protect the health and morals, reputation, or rights of others, to prevent the disclosure of confidential information or to guarantee the authority and impartiality of the judiciary.

The law prohibits the dissemination and/or use in public of fascist, racist, or xenophobic symbols, the propagation and/or use for political purposes of fascist symbols, as well as the promotion of fascist, racist, or xenophobic ideologies and/or Holocaust denial. Sanctions are provided for these types of actions.

The state also guarantees the freedom of expression of the media. No one may prohibit or prevent the media from disseminating information of public interest except in accordance with the law. The censorship in the public media, as well as the deliberate unlawful obstruction of the activity of the media, attracts criminal liability.

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<sup>155</sup> [https://www.legis.md/cautare/getResults?doc\\_id=83916&lang=ro](https://www.legis.md/cautare/getResults?doc_id=83916&lang=ro)

A special chapter is dedicated to the mechanism of handling claims related to defamation, as well as defense of private life and family.

The Law on Electronic communications regulates the activity in the field of civil electronic communications of all providers of electronic communications networks and/or services, regardless of their type of ownership, establishes the rights and obligations of users throughout the Republic of Moldova. The law does not include provisions on the content of information transmitted by electronic communications networks, except for information identifying the end-user.

Several laws remain in urgent need of amendment, namely the Law on Freedom of Expression, the Law on Advertising, the Law on Personal Data Protection and the Law on Access to Information. In December 2020, Parliament registered a legislative package addressing some of the most pressing media reform needs that were submitted by a joint civil society initiative including Freedom House, the Association for Independent Press, and the Independent Journalism Centre. However, the legislative package was not passed before the Parliament's dissolution in April 2021; in order to be adopted, the draft laws must be re-registered in the new Parliament.

The permanent parliamentary committee that oversees media instituted a Consultative group of media experts from civil society organizations, that will assist in the process of improving the legislative framework for the domain. The current focus of the group of experts and the Committee is on the finalization and promotion of a national program for the development of the media sector. Also, a draft law on access to information is under development.

**77. What is the legislative framework governing the audiovisual media services and television broadcasting (i.e. linear audiovisual media services including satellite and cable)?**

The Audiovisual Media Services Code regulates the activity of TV and Radio services, including the non-linear ones. According to Article 2, paragraph (1), the purpose of this code is:

- a) to ensure the right of all persons to receive accurate and objective information and to contribute to the free formation of opinions;
- b) to guarantee the right to editorial independence and freedom of expression;
- c) to ensure the independence of the regulatory authority in the field of audiovisual media services;
- d) to ensure the independence of the bodies supervising the activity of the public media service providers;
- e) to ensure, maintain and develop audiovisual pluralism;



f) to ensure the protection and development of the national audiovisual space.

In terms of legislation on audiovisual media services, Article 3 stipulated the following:

(1) The legislation on audiovisual media services is based on the Constitution of the Republic of Moldova, this code and other normative acts, as well as the international treaties to which the Republic of Moldova is a party.

(2) If the international treaties to which the Republic of Moldova is a party establish other norms than those provided by this code, the provisions of the respective treaties shall apply.

(3) The Audiovisual Council, as a regulatory authority, adopts normative acts provided by this code and by the international treaties in the field of audiovisual media services to which the Republic of Moldova is a party.

**78. What is the policy established or foreseen with regard to the switch-over to digital broadcasting and the use of digital dividend?**

According to the Law no. 60/2022 on amending of some normative acts, terrestrial analogue TV shall be switched off no later than 1 of May 2022<sup>156</sup>.

According to the Radiofrequency spectrum management program for 2021-2025, frequency band 694-790 MHz (“the second digital dividend”) is foreseen for implementation of 5G mobile communications networks. Due to unfavorable conditions for investment, the deadline for preparation of auction for 5G frequency bands that shall be organized in the third quarter of 2022 may be postponed for 2024. The draft of Governmental Decision regarding postponement was published for public consultation<sup>157</sup>.

Also, The Audiovisual Council plans to launch public consultations regarding the Regulation on contest for licenses in Multiplex A on 6 May. After the draft Regulation is approved based on feedback received during public consultations, it will be sent to the Ministry of Justice for expertise, and then approved by the Council. The contest will be announced based on provisions of Regulation with the target to fill in all 18 slots of Multiplex A by 1 July 2022.

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<sup>156</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130740&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130740&lang=ro)

<sup>157</sup> <https://cancelaria.gov.md/sites/default/files/document/attachments/277.pdf>

## **B. Audiovisual Media Services Directive**

**79. What are the competent authorities in the field of audiovisual policy? How are the competencies shared between them?**

**Accountability and transparency mechanisms (towards stakeholders, citizens):**

The Audiovisual Council (AVC) is the regulatory authority for TV and Radio. It regulates based on its special law - the Audiovisual Media Services Code. Chapter X of the Code is dedicated to the Audiovisual Council. Art. 74 provides for the autonomy and independence of the public authority vis-a-vis any other entity. The Council has the statute of a legal entity under public law.

The AVC is formed of seven members that are being appointed by Parliament rule for a single six-year mandate. Three members are nominated by the Parliament, including one put forward by the opposition; one is nominated by the Presidency; one - by the Government and two - by the civil society organizations. The members do not represent the entity that has nominated them, according to the Code. The AVC works based on its own Regulation of organization and functioning, including the organizational chart, adopted at the level of members of the Council. The budget is provided by the State Budget Law. The staff of the AVC has the status of civil servants, whilst the 7 members of state dignitaries. The decisions are taken with a majority of votes (4 out of 7) and enter into force either on the day of the adoption or on the day of being published in the Official Monitor (for normative acts). Each member is obliged to provide a verbal justification of his/her vote that is reflected in the minutes of the meeting.

The members of the Audiovisual Council are state dignitaries; thus, they are covered by the Law on Assets and Personal Interest Declaration, which includes the need to respect conflict of interests' regime. They are obliged to submit to the National Integrity Agency an income and assets statement once voted in the office, every year when leaving the office, and a year after that. The Accounting Chamber is responsible for verifying the financial activity of the institution.

The regulatory body holds public meetings that are being transmitted LIVE on Council's Facebook page. All decisions are published on the webpage and in the Official Monitor. Press releases are published timely on the official website. Normative acts are subject to public consultation and expertise by the Ministry of Justice, before being approved.

The Code provides that the Audiovisual Council presents the annual activity report in the plenary session of the Parliament, in line with art 87 of the Code. By 1st March, the Audiovisual Council submits to the parliamentary committee that oversees media the annual activity report, and publishes it on its webpage. The annual report is debated in the parliamentary committee, which presents in the plenary session of the Legislative a report about it.

**The level of cooperation with other regulatory bodies within Moldova and with other countries.**

Inside the country, the Audiovisual Council works closely with the Central Election Commission and with the Competition Council. Thus, the management and the members of the Audiovisual Council and of the Central Electoral Commission had two meetings since both were appointed to office: at the level of the management of the two institutions (11 February 2022), and at the level of members (23 March 2022). The goal was to develop collaboration in order to ensure a fair and equitable framework for the coverage of election campaigns by audiovisual media service providers. Discussions also addressed current challenges in the process of covering election campaigns, both legally and procedurally, which require prompt review, such as covert advertising, the use of discriminatory and hate speech, false news and misinformation. ensuring gender equality as well as examining appeals.

Outside the country, the Audiovisual Council is active in the European Platform of Regulatory Authorities (EPRA), Black Sea Broadcasting Regulatory Authorities (BRAf), Le Réseau francophone des régulateurs des médias (REFRAM), Council of Europe meetings. For example, on 12-13 May 2022 the chair of the Council and one of the members attended the Annual EPRA meeting.

**80. Please refer to the procedure for assignment of frequencies for television broadcasting in Moldova. Which authority is responsible for assigning the frequencies, selecting the television broadcaster and setting the conditions for broadcasting?**

The Audiovisual Council is the body responsible for awarding TV and Radio broadcasting licenses. Article 25 of the Audiovisual Media Services Code (AVMSC) - Broadcasting license – provides the following:

- (1) The broadcasting license is granted based on the provisions of this code.
- (2) The broadcasting license is granted for a term of 9 years and is valid from the date of publication of the decision of the Audiovisual Council in the Official Monitor of the Republic of Moldova.
- (3) The broadcasting license is granted for each linear audiovisual media service.

The broadcasting license will contain:

- a) the number of the broadcasting license;
- b) the identification data of the holder of the broadcasting license;
- c) the identification data of the shareholders and associates up to the level of natural or legal person, except for the shareholders and associates who are joint stock companies with bearer shares or listed on the international stock exchanges;

- d) the concept of principle (general), the type and structure of the audiovisual media service;
- e) the name and identification elements of the audiovisual media service;
- f) the broadcasting area, in case of providing the audiovisual media service in analogue or digital terrestrial system;
- g) the term of validity;
- h) the electronic communications network used for the provision of the audiovisual media service and the name of its owner or manager;
- i) the frequencies or channels granted, in the case of the analogue broadcasting license;
- j) the digital multiplex within which the audiovisual media service is provided;
- k) the commitment of the media service provider to comply with the provisions of this code and of the acts approved by the Audiovisual Council;
- l) the commitment of the media service provider to keep the recordings of the audiovisual programs for the duration provided by the legislation;
- m) the commitment of the media service provider to present to the Audiovisual Council the information requested in order to exercise its attributions;
- n) the arguments for which the Audiovisual Council granted a broadcasting license to the media service provider.

At the request of the holder of the broadcasting license, its validity may be extended for a new term. No later than 6 months, but not less than 3 months before the expiration of the term for which the broadcasting license was granted, the media service provider has to submit an application for the extension of the validity of the broadcasting license to the Audiovisual Council.

The frequency assignment in the Republic of Moldova is undertaken in accordance with the provision of the relevant legal acts: Radio Regulations of the ITU, Regional Agreements (Geneva-84, Geneva-06, etc.), bilateral and multilateral spectrum arrangements and provisions of the national legislation- Law on electronic communications nr. 241/2007.

The main steps for a frequency assignment is as follows:

- Electromagnetic compatibility assessment.
- International coordination in accordance with the relevant regulation.

Assignment of the frequency which may be awarded:

- As a result of competitive (auction) or comparative (beauty contest) selection for limited resources, undertaken by the National Regulatory Agency for Electronic Communications and Information Technology (for example, comparative selection shall be applied in case of frequencies for creation of digital terrestrial broadcasting networks).
- As a result of comparative selection (beauty contest) for broadcasting licenses, undertaken by the Audiovisual Council (mainly applied for analogue terrestrial broadcasting stations/networks).
- By the 'first come-first served' principle, in base of license or technical permit granted by the National Regulatory Agency for Electronic Communications and Information Technology (for example, this procedure is applied for VSAT stations).

According to the Electronic Communications Law no. 241/2007, in order to ensure an efficient use of the radio frequency spectrum and to ensure the electromagnetic compatibility of radiocommunication stations, as well as to monitor the quality of electronic communications services provided through radiocommunication networks and stations, the National Service for the Radio Frequencies Management keeps appropriate technical information regarding on radiocommunication stations, channels and radio frequencies and provides the following services:

- planning, selecting, calculating and coordinating radio channels and / or frequencies in accordance with the National Table of the Frequency Allocations;
- ensuring the electromagnetic compatibility of radiocommunication stations;
- measurement of the technical emission parameters of radiocommunication stations in accordance with the Regulation on the monitoring of radio frequencies and evaluation of the technical emission parameters of radiocommunication stations for non-governmental use;
- measuring and evaluating the quality parameters of the electronic communications services provided through the networks and radiocommunication stations;
- elaboration of technical specifications for the design of radiocommunication stations and project expertise.

The National Service for the Radio Frequencies Management ensures international and internal coordination, notification of radio bands, channels or radio frequencies in accordance with the Radio Regulations of the International Telecommunication Union.

In order to use frequencies for the broadcasting of terrestrial audiovisual media services in the Republic of Moldova, according to art.26 of the Law on Electronic

Communications no.241 of 15.11.2007, it is necessary to obtain from ANRCETI a license for the use of frequencies. If the entity does not yet have the status of a provider of electronic communications networks and services, it needs to preliminarily submit a notification to ANRCETI in this regard.

ANRCETI adopts the decision to issue the license, based on the documents issued by the Audiovisual Council, which the applying provider is required to present with the license application:

- Broadcasting license (for media content services, for producers of such content) issued by the Audiovisual Council, which provides for the use of certain frequencies for terrestrial services, or
- Broadcasting authorization (of media content services, for operators broadcasting through their own network such content produced by third parties) issued by the Audiovisual Council, which provides for the use of certain frequencies for terrestrial services.

The broadcasting licenses or retransmission authorizations are issued by the Audiovisual Council in accordance with the provisions of the Code of Audiovisual Media Services of the Republic of Moldova no. 174/2018. For broadcasting licenses and broadcasting authorizations that provide for the use of radio frequencies, those permissive acts shall be issued by the Audiovisual Council based on competition. In order to run this competition, the Ministry of Infrastructure and Regional Development provides the Audiovisual Council with the relevant technical parameters.

If the frequencies are intended for the provision of multiplexes in the digital terrestrial system (DTT or digital radio), on basis of Article 26, para. 341 and in accordance with the Government policy documents regarding allocation of frequencies for this purpose, ANRCETI issues the licenses for the use of the radio frequencies concerned.

ANRCETI issues these licenses based on the application submitted in the following cases:

- if the applicant is a provider of the respective publicly owned radio or television networks;
- whether the use of those frequencies by the applicant, regardless of its form of ownership, would represent a successive evolution for the network already in place and provided in an authorized manner.

In the absence of the conditions above, ANRCETI releases the rights for the use of frequencies by a competition (auction), using a comparative selection procedure.

For the use of frequencies for satellite transmission of audiovisual services, it is necessary for the interested entity to obtain a technical permit from ANRCETI for the use of the frequency, which is issued to the applicant based on the technical approval from the National Radio Frequency Management Service.

**81. What is the regime governing the granting of the rights of use of radio spectrum and the allocation of frequencies or satellite capacity?**

Allocation of broadcasting licenses for Radio is described above in pct 80.

**82. What are the distribution systems in place (terrestrial, cable, satellite)? What (if any) are the "must carry" regulations (obligations for the network to distribute certain channels)?**

There are currently the following distribution systems in the Republic of Moldova:

- Cable distribution systems through:
  - CA TV;
  - IP TV.
- Terrestrial distribution systems through:
  - Analog system;
  - Digital system (multiplex).

The Audiovisual Media Services Code (AVMSC) provides in Article 75 – The powers of the Audiovisual Council – that the audiovisual regulatory authority drafts and updates the list of audiovisual media services free for retransmission and the “must carry” one, and publishes the lists of its website<sup>158</sup>. Both services are provided to the distributors free of charge and are distributed free of charge (Article 55/(9)). The distributors are obliged to include in their offer the TV services included in the “must carry” list (Article 55/(2) b).

On 16 February 2022 the list of free for retransmission was approved<sup>159</sup>, and on 8 April 2022 the new criteria for the “must carry” list were adopted<sup>160</sup>. The renewed “must carry” list is pending approval on 16 May 2022.

**83. What are the arrangements as regards technical broadcast standards?**

According to the provision of the *Program on the transition from analog terrestrial to digital terrestrial television*, approved by Governmental Decision no. 240/2015, in the Republic of Moldova for digital terrestrial broadcasting shall be used DVB-T2 standard, with signal compression in the H. 265 or H. 264 standard, which ensures more efficient use of the radio spectrum. In the present first digital

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<sup>158</sup> The “must carry” list available in Romanian at: <http://www.audiovizual.md/must-carry>

<sup>159</sup> the list of audiovisual media services free for retransmission available in Romanian at: <http://www.audiovizual.md/news/lista-serviciilor-media-audiovizuale-libere-la-retransmisiune-fost-aprobat>

<sup>160</sup> criteria for the “must carry” list available in Romanian at: <http://www.audiovizual.md/news/consiliul-audiovizualului-aprobat-criteriile-privind-stabilirea-listei-serviciilor-media-audiovizuale>

terrestrial broadcasting network (Multiplex A) which covers around 97% of the territory and 96% of the population, uses DVB-T2 standard, with signal compression in the H. 264 standard, but in the future it can use H. 265. Taken into account this perspective, DVB-T2 set-top-boxes distributed to socially vulnerable families support both compression standard (H. 265 or H. 264). During the information campaign were recommended to population to buy receivers or TV set that support H. 265 standard.

**84. Which public and private broadcasters are licensed or authorised and how are they financed?**

The “Teleradio-Moldova” Company is the national public provider of media services and the “Gagauziya Radio Televizionu” Company is the regional public provider of media services in the Republic of Moldova (Art. 32, AVMSC). Both companies are constituted as public institutions, and legal entities under public law. “Teleradio-Moldova” Company is founded by the Parliament and carries out its activity under the control of the Parliament. “Gagauziya Radio Televizionu” Company is founded by the National Assembly of Gagauzia, and is subject to the AVMSC and local normative acts.

The budget of the “Teleradio-Moldova” company is formed of state subventions that are established each year in the State Budget Law, as well as own revenues, such as: commercial communication aired as part of major interest events, donations and sponsorships. The Accounting Chamber is responsible for verifying the financial activity of the institution.

In terms of private broadcasters, there are 65 licensed TV services providers and 60 Radio services providers, as well as 44 distributors (cable operators) of media services<sup>161</sup>. There is no official registry of online media, but a study conducted in 2021 by the Independent Journalism Centre identified 103 news portals as separate media institutions. The trend for online news portals is one of a gradual increase given the fact that traditional media have clone sites or portals that combine TV, Radio and print content.

Besides advertising, several media online sites have successfully tested different funding models from subscription, including Patreon subscriptions for those in diaspora, to crowdfunding, as well as the 2% mechanism of income tax reorientation towards NGOs (some media institutions are registered as NGOs).

TV and Radio rely mainly on advertising, including the electoral one. The above-mentioned funding models are also used but the revenues generated are still insufficient to cover the operational costs. Grants from the international donor community are still the main source of income for independent/non-affiliated TV stations that use the money to produce local contents and diversify their offer (from

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<sup>161</sup> <http://www.audiovizual.md/reports/15>



news and talk shows to more complex productions of entertainment, and documentary, investigations, morning and weekend shows).

There are still media holdings in the audiovisual whose financial streams are connected to politicians and political parties.

**85. What are the criteria used for determining jurisdiction over audiovisual media services in Moldova?**

Article 2 of the AVMSC – The purpose, object and scope – sets in paragraph (5) that “for the purposes of this Code, a media service provider shall be deemed to be under the jurisdiction of the Republic of Moldova if it meets at least one of the following conditions:

- is headquartered in the Republic of Moldova and the editorial decisions regarding the audiovisual media service are taken in the Republic of Moldova;
- is headquartered in the Republic of Moldova and the majority of the workforce involved in the delivery of audiovisual media services operates in the Republic of Moldova;
- editorial decisions on audiovisual media services are taken in the Republic of Moldova and a majority of the workforce involved in the delivery of audiovisual media services operates in the Republic of Moldova.

If a media service provider which does not meet any of the conditions set out in paragraph (5) and is not established in another State participating in the European Convention on Crossborder Television shall be deemed to be under the jurisdiction of the Republic of Moldova if it meets one of the following conditions:

- uses a frequency granted by the competent public authority of the Republic of Moldova;
- uses a slot granted by the competent public authority of the Republic of Moldova;
- uses a satellite capacity belonging to the Republic of Moldova;
- uses a satellite uplink located on the territory of the Republic of Moldova;
- uses an internet connection located on the territory of the Republic of Moldova.

**86. Are there any restrictions on reception or retransmission of audiovisual media services from other European States? Please refer to both television broadcasting and on-demand audiovisual media services.**

There are no restrictions on reception or retransmission set in the Code. The media service providers have the right, under the conditions of the law, to purchase

audiovisual programs from the country and from abroad, in order to complete and ensure the variety of their own audiovisual media services.

In the context of the war in Ukraine, on 2 March the Committee for Extraordinary Situations of the Republic of Moldova issued the Decision nr 5 that provides for the suspension of programs that have been produced originally in countries that did not ratify the European Convention on Crossborder Television, except for films and entertainment programs. EU, USA and Canada programs are exempted from the ban. The measure is meant to secure the audiovisual national space and ensure information security of the country (art 6, art 7 of the Decision). The Decision also provides the Audiovisual Council the right to suspend the license of providers of audiovisual media services, as well as retransmission authorization of the distributors for the period of emergency (issued on 24 February by the Parliament for 60 days, extended on 21 April for another 60 days).

**87. Are there any specific measures applying to the retransmission of audiovisual media services in Moldova?**

The offer of retransmitted audiovisual media services is detailed in Article 55 of the AVMSC.

The media service distributor has the obligation to include in the offer of audiovisual media services:

- the television services of the national public media service provider;
- at least 35%, with the gradual increase of the share up to 50% in the next 5 years, from the free retransmission television services of the media service providers under the jurisdiction of the Republic of Moldova, including the “must carry” television services;
- television services distributed under international agreements to which the Republic of Moldova is a party.

The offer of audiovisual media services meets the following requirements:

- the Romanian language television services and the Romanian subtitled / dubbed television services constitute at least 35% of the total number of services distributed through the respective network, with the gradual increase of the share up to 50% in the next 3 years;
- television services coming from the Member States of the European Union and from third countries participating in the European Convention on Crossborder Television constitute at least 50% of the total number of television services distributed through the respective network.

**88. Please provide details of any international commitment(s) which may affect audiovisual services, in particular, in the framework of Moldova's accession to the WTO.**

The Republic of Moldova has been a WTO member since 2001 and made extensive commitments for services liberalization under the General Agreement on Trade in Services (GATS). The Republic of Moldova maintains a very liberalized and opened services sector according to its commitments undertaken within the WTO.

In its GATS schedules Moldova made commitments in 147 out of 155 specific services sectors<sup>162</sup>. In various sectors Moldova scheduled commitments without limitations. A number of restrictions were made for Mode 4 (temporary movement of natural persons), 10 especially in the sectors of distribution, education, environmental, tourism and transport services. Moldova also registered exemptions to the MFN provisions for audiovisual services, road and air transport services. Additionally, Moldova registered a national treatment horizontal reservation on the purchase of land. Moldova signed an Association Agreement with the EU, which includes a Deep and Comprehensive Free Trade Agreement (DCFTA). The DCFTA between the EU and Moldova, in effect since 2014, deepens some of the services liberalization provisions made under the GATS.

Referring to the question, first, shall be noted that the Republic of Moldova maintains MFN, Article II exemptions to its GATS commitments based on the document no. GATS/EL/134<sup>163</sup> containing the REPUBLIC OF MOLDOVA - LIST OF ARTICLE II (MFN) EXEMPTIONS.

The MFN general exemption and limitations relate namely to the Sector on Communication Services, Subsector on Audiovisual services, as follows:

- Production and distribution of audiovisual works through broadcasting or other forms of transmission to the public;
- Production and distribution of cinematographic works and television programs;
- Production and distribution of television programs and cinematographic works.

Shall be noted that these MFN exemptions are partially maintained, while some of restrictions being excluded and Audiovisual services being partially liberalized based on provisions of the existent Free trade agreements signed by the Republic of Moldova with other partner countries, including DCFTA between the Republic of Moldova and European Union.

Second, in conformity with the Republic of Moldova's GATS Schedule of specific commitments document no. GATS/SC/134<sup>164</sup>, the Republic of Moldova

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<sup>162</sup> [https://i-tip.wto.org/services/MFN\\_Detail.aspx/?id=C498&sector\\_path=&rta\\_path=0000](https://i-tip.wto.org/services/MFN_Detail.aspx/?id=C498&sector_path=&rta_path=0000)

<sup>163</sup> <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/SCHD/GATS-EL/EL134.pdf&Open=True>

<sup>164</sup> <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/SCHD/GATS-SC/SC134.pdf&Open=True>

committed in its Communication services sector, the sub-sector in distribution services, namely opening the Retailing services (CPC 611+631+632+633+6111+6113+6121), including audio and video records and tapes and optical discs (CPC 63234), with no limitations on national treatment for all modes of supply, as well as with no limitations on market access for mode 1, 2 and 3 maintaining some horizontal limitations on mode 4.

**89. What (if any) are the provisions in the audiovisual legislation setting standards in the fields of audiovisual commercial communications?**

Chapter IX of the Audiovisual Media Services Code is dedicated to audiovisual commercial communications and its article 62 sets the right to broadcast audiovisual commercial communications, as follows:

(1) The media service providers have the right to broadcast audiovisual commercial communications in exchange for a similar payment or remuneration or for the purpose of self-promotion, in accordance with this code, Law no. 1227/1997 on advertising and the Regulation on audiovisual content.

(2) Media service providers are entitled to broadcast the following forms of audiovisual commercial communications:

- a) sponsorship;
- b) advertising;
- c) teleshopping;
- d) product placement;
- e) self-promotion;
- f) interactive advertising;
- g) shared screen advertising;
- h) virtual advertising;
- i) virtual sponsorship;
- j) other forms of audiovisual commercial communications.

The general communication requirements for audiovisual commercials are set in article 63 of the Code:

- (1) Audiovisual commercial communications are fair and honest.

(2) Audiovisual commercial communications are clearly identifiable and differ from the editorial content, as well as comply with the provisions of this Code and the Regulation on audiovisual content.

(3) Audiovisual commercial communications are prohibited for:

- a) cigarettes and other tobacco-based products, electronic cigarettes;
- b) medicinal products and / or medical treatments, available only on the basis of a medical prescription;
- b<sup>1</sup>) gambling, betting for competitions / sporting events and other activities in the field of gambling;
- c) occult practices;
- d) other products and services, in accordance with the provisions of the legislation in force.

(4) Audiovisual commercial communications that:

- a) have hidden or misleading commercial content;
- b) uses subliminal message techniques;
- c) harms the honor, dignity and professional reputation;
- d) include and / or promote any discrimination based on criteria of sex, race, nationality, religion, age, disability or sexual orientation, freedom of conscience, thought;
- e) encourages behaviors that are harmful to the health and / or safety of the person;
- f) encourages behaviors that are harmful to environmental protection.

(5) Media service providers are responsible for the content of audiovisual commercial communications.

(6) The media service providers have the obligation to level the sound of the audiovisual programs to the one used in the case of broadcasting the commercial audiovisual communications.

Special requirements cover the protection of minors, prohibit audiovisual commercial communications which:

- a) unjustifiably presents the minor in situations of abuse or other danger;
- b) causes moral, physical or mental damage to minors;

- c) directly instigates minors, by exploiting their lack of experience or credulity, to buy / rent a product or hire a service;
- d) encourage minors to persuade their parents or other persons to purchase goods or services that are the subject of audiovisual commercial communication;
- e) exploits the special trust that minors have towards their parents, teachers or other persons;
- f) are intended for the sale of alcoholic beverages and are aimed especially at minors.

The chapter also includes articles regarding sponsorship, advertising and teleshopping, advertising and teleshopping ads, product placement, advertising and teleshopping for alcoholic beverages, as well as for medical products and treatments.

The Audiovisual Council, with Council of Europe technical assistance, is working at present on a new Regulation on audiovisual contents and on a new Regulation regarding commercial communications. Both activities are included in the 2022 Annual Plan, approved on 16 February and published on AVC webpage.

**90. Has a list of major events to be broadcast on free-to-air television been adopted? Has any measure been taken concerning access by other broadcasters to events of high interest to the public which are transmitted on an exclusive basis by a broadcaster?**

Article 20 of the AVMSC - Access to major events – provides for the following:

- (1) All persons have the right of access to events of major importance through television services without prior individual authorization.
- (2) Major events may be broadcast exclusively on the television services of national media service providers without prior individual authorization only if the transmission does not deprive a substantial part of the public of the opportunity to watch them live or in staggered transmission.
- (3) The list of events of major importance shall be approved by the Audiovisual Council.
- (4) In the List of events of major importance, it is established:
  - a) the percentage of the population that represents a substantial part of the public;
  - b) the right of the media service provider to broadcast the event of major importance live or delayed, in whole or in part.

On 23 March, the AVC approved the following list of major events:

- Winter and Summer Olympics;
- The World Cup and the qualifying games of the national team of the Republic of Moldova for this championship.
- The European Football Championship and the qualifying games of the national team of the Republic of Moldova for this championship;
- UEFA Champions League football matches;
- UEFA Europa League football matches;
- UEFA Conference League football matches;
- "Eurovision" International Music Competition.

The AVC ruled in the same Decision that an event of major importance is considered to be of major interest to a significant part of the population (at least 2/3 of the population of the Republic of Moldova), conducted by an event organizer who has the legal right to trade the rights related to that event. Major events may be broadcast exclusively on the television services of media service providers that have the right to broadcast the major event live or offset, in whole or in part.

**91. What (if any) regulatory measures are used to encourage or require the audiovisual media services of, or the investment in, certain types of programmes (e.g. cultural, educational) or programmes of specific geographical, linguistic or sectoral origin (independent productions, European works, national works, programmes made or broadcast in certain languages etc.)?**

There are a few provisions in the Code aimed at ensuring that a minimum of local contents are being produced, as well that a minimum of European contents are being distributed. Thus, the national public company “Teleradio-Moldova” has to produce at least 12h of local content on Radio and 10h of local content on TV. The national private TV stations have to produce at least 8h of local content, whilst the regional ones – 4h and local ones – 2h. The Audiovisual Council drafts and updates the List of national, regional and local media service providers at least once a year. Thus, on 30 March AVC approved a new list in this regard<sup>165</sup>.

Further measures stipulated that at least 50% of the local content has to be originally aired, 80% should be in Romanian language and 75% should be aired in prime-time.

The media service providers whose audiovisual media services are addressed to the communities from the administrative-territorial units in which an ethnic minority represents a majority share have the obligation to transmit local

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<sup>165</sup> <http://www.audiovizual.md/news/ca-aprobat-o-nou-list-furnizorilor-de-servicii-media-audiovizuale-naionali-regionali-i-locali>

audiovisual programs in proportion of at least 25% in Romanian, as well as audiovisual programs of own production in the language of that minority.

Article 6 of the Code concerns European audiovisual works that are:

- works from the Member States of the European Union;
- works from the Republic of Moldova and from third countries participating in the European Convention on Crossborder Television;
- works co-produced under agreements on the audiovisual sector concluded between the European Union and third countries, which fulfill the conditions laid down in each of those agreements;
- works carried out on the basis of bilateral co-production agreements concluded between Member States of the European Union and third countries, provided that the share of co-producers in the European Union in total production costs is majority and production is not controlled by any producer outside the territory of the Member States of the European Union.

Further, the Code specifies that European audiovisual works are those carried out for the most part with the contribution of authors and workers resident in one or more of the States concerned, who meet at least one of the following requirements:

- the works are carried out by one or more producers established in one or more of the States concerned;
- the production of works is effectively supervised and controlled by one or more producers established in one or more of the States concerned;
- the contribution of the co-producers from the respective states to the total costs of the co-production is the majority, and the co-production is not controlled by any producer established outside the respective states.

When it comes to cultural responsibilities, article 19 sets a couple of rules, such as:

- Audiovisual programs broadcasted in other languages are accompanied by translation into Romanian (dubbing, sound and / or subtitling). This provision does not apply to local audiovisual programs, language studies and music video programs.
- The artistic and documentary films are broadcasted with dubbing or subtitling in Romanian, keeping the original soundtrack or, as the case may be, the licensed language version, and the children's films are dubbed or sounded in Romanian.
- Television services with music content and sound broadcasting services must contain at least 30% musical works in Romanian, including 10% musical works from composers, performers and producers from the Republic of Moldova.



**92. What (if any) are the regulations covering other audiovisual services, in particular interactive, on-demand audiovisual media services, including Internet?**

Chapter VIII of the AVMSC is dedicated exclusively to the non-linear media services that must cumulatively meet the following requirements:

- provides audiovisual programs comparable to those normally offered by television services;
- the audiovisual programs are intended for the general public;
- the audiovisual programs are included in a catalogue of programs;
- access to audiovisual programs is made upon request;
- the editorial responsibility for the content of the audiovisual programs rests with a natural or legal person under the jurisdiction of the Republic of Moldova.

Further, the Code says that non-linear audiovisual media services consist of the following types of services:

- video on demand - non-linear audiovisual media service (free and / or paid) that offers the user access, at the individual request and at the time chosen by him, to watch movies, videos, shows (live or recorded), as well as other types of video materials brought together in a catalog of programs;
- video in replay - non-linear audiovisual media service, which offers the user, for a limited period, access to the revision, at the individual request and at the time chosen by him, of the audiovisual programs broadcast in advance within a television service.

Up to date, no Notice of delivery of non-linear services has been requested and cleared by AVC.

The Audiovisual Media Services Code includes the Internet in the category of elements that are part of the electronic communications network but it does not regulate Internet as such. The Law on freedom of expression differentiates between written and electronic media as constituent elements of the media.

**93. What rules and regulations govern public and private television broadcasting? What rules ensure the editorial independence of the public broadcaster? Please refer to the source of financing of the public broadcaster.**

Chapter V, Art. 36 - 48, of the Audiovisual Media Services Code is dedicated to the National Public Provider of Media Services ("Teleradio-Moldova" Company).

The activity of the company is supervised by the Oversight and Development Council (ODC) that is formed of seven members - 3 nominated by parliamentary fractions, including the opposition, and 4 nominated by the civil society organizations. The selection of the candidates is done by the parliamentary

committee that oversees media, followed by a vote in the plenary session. The mandate of the ODC members is a single one, for six years.

The General Director of “Teleradio-Moldova” Company is appointed by the Parliament at the proposal of the Oversight and Development Council, for a 7-year mandate that cannot be renewed. S/he can be dismissed by the Parliament in case of unsatisfactory execution or nonexecution of responsibilities. Both the General Director and the Oversight and Development Council submit their annual reports to the parliamentary committee.

The budget of the public audiovisual media service providers consists of subsidies from the state budget and own revenues. The subsidies from the state budget are established annually, by the law of the state budget, and represent the volume of the subsidies from the state budget for the previous year, indexed with the index of consumer prices from the last fully executed budget year. The own revenues of the national public media service provider come from: amounts received from audiovisual commercial communications broadcast during events of major importance; amounts collected from the realization of the object of activity, including revenues from the sale of audiovisual programs or copyrights; donations and sponsorships; other legal sources.

The editorial policy is decided by the Company’s Director, deputy directors (for TV and Radio), and other management staff members. The media regulatory authority monitors if provisions of the AVMAC are being observed in the audiovisual programs produced by the Company.

There is a need to stipulate the conditions related to the rejection of the reports, which are not present in the Code to the date. The chair of the parliamentary committee stated publicly that such conditions will be added to the Code in order to set clear criteria, based on which a report could be found positive or negative/be approved or rejected. In this regard, an official request was recently forwarded to the Office of the Council of Europe in Chisinau, asking for assistance in further improving the Audiovisual Media Services Code, so that it offers better provisions for safeguarding the independence of the members of the Oversight and Development Council and their operational independence, as well as ensuring their accountability and efficiency.

The rules governing the public and private TV broadcasting are set in the Chapter II of the AVMSC titled The Principles of Audiovisual Communication and includes: Freedom of Speech, Editorial Independence and Freedom of Creation, Protection of Confidentiality of Information Sources, Protection of Journalists, Protection of Fundamental Rights and Freedoms, Access to Audiovisual Media Services, Ensuring Correct Information, Right to Reply and Correction, Protection of Minors and People with Disabilities, Protection of National Audiovisual Space, Gender Balance, Cultural Responsibilities, Transparency of Media Ownerships, Protection of Copy Rights.

**94. What are the legal provisions governing exclusive rights for the broadcast of major events (cultural, sporting, parliamentary sessions etc.)?**

The AVMSC says that the media service providers, under the jurisdiction of the Republic of Moldova, which have exclusive rights to broadcast events of major importance, may not deprive the public from watching the respective events through other audiovisual media services.

Thus, all media service providers under the jurisdiction of the Republic of Moldova have the right to report an event of major importance by means of an extract, provided that the prior consent of the media service provider holding exclusive rights is requested: a) recording the signal of the media service provider that holds exclusive rights, in order to make an extract; b) accessing the place of the event of major importance in order to make an extract.

If an organized event of major importance consists of several autonomous elements in the organizational plan, each element is considered as an event of major importance. If an event of major importance is organized for several days, at least one extract shall be made for each day. The extracts are made: a) in fair, reasonable and non-discriminatory conditions; b) under the conditions of free choice. The authorized duration of an extract shall not exceed 60 seconds.

## **C. Cinema**

**95. Please indicate the estimated overall amount of the audiovisual industry sector for 2021. What are (if any) the financial support systems in place for the audiovisual sector (including cinema)?**

The estimated amount of advertising in the audiovisual sector for 2021 is 12 million Euros. TV service providers saw their advertising revenues decrease by up to 50% in the past years because of the Covid pandemic and the war in Ukraine.

For TV and Radio media service providers there is no state financial support in place. Grants from international partners that support local production capacities are a main source of support for non-affiliated media organizations.

Also, according to the data held and collected from the National Bureau of Statistics, which are to be updated and completed with the involvement of the statistics department and other institutions, we have the following data:

- Category: Program production and broadcasting activities - 397.8 million lei;
- Category: Motion picture, video and television production activities, audio recordings and music editing activities - 129 million lei.

The financial support systems in place for the audio-visual sector (including cinema) are as follows.

Pursuant to Chapter IV of Law No. 116/2014 on cinematography<sup>166</sup> and Annex No.3 of the Government Decision No. 846/2015<sup>167</sup> on the implementation of the provisions of the Law on Cinematography No. 116/2014, there is a Regulation on the financing of cinematography. This regulation establishes the manner and conditions of distribution and use of financial resources allocated from the state budget, through the National Centre of Cinematography (hereinafter - Centre), which can be used for:

- the production of films of all kinds;
- development of film projects;
- movie distribution;
- participation of local films and filmmakers from the Republic of Moldova in international festivals;
- organizing film festivals and events in the Republic of Moldova;
- restoration of films and materials from the National Film Archive.

Para. 6 of Government Decision No. 846/2015<sup>168</sup>, stipulates that the financing of film projects, film production, film production in the process of completion and films in co-production is done following the competitions, which are organized not less than once in a financial year with the quota of participation of the state according to the provisions of Art. 13, Art. 14 and Art.15 of Law No.116 / 2014<sup>169</sup>. When we refer to the film production in the process of completion, we mean the project that has exceeded the preparation period and is in one of the stages of filming or post-production. The conditions for participation in the competition are the same as for any other film project. The total value of financial support offered to the cinematographic field for 2021 is 6 million moldovan lei.

In accordance with Art.51, chapter VI of the Code No.174 / 2018<sup>170</sup> to the audio-visual media services of the Republic of Moldova, the community providers of sound broadcasting services (hereinafter – community provider) are financed by:

- the contributions of the community members;
- receipts from the provision of specialized services in the interest of the community, based on a contract;
- donations, sponsorships and grants.

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<sup>166</sup> Law no. 116/2014 on cinematography, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=106013&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106013&lang=ro)

<sup>167</sup> Government Decision no. 846/2015 on the implementation of the provisions of the Law on Cinematography no. 116/2014, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=111851&lang=ro](https://www.legis.md/cautare/getResults?doc_id=111851&lang=ro)

<sup>168</sup> Government Decision no. 846/2015 on the implementation of the provisions of the Law on Cinematography no. 116/2014, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=111851&lang=ro](https://www.legis.md/cautare/getResults?doc_id=111851&lang=ro)

<sup>169</sup> Law no. 116/2014 on cinematography, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=106013&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106013&lang=ro)

<sup>170</sup> Code no.174 / 2018 to the audio-visual media services of the Republic of Moldova, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=125226&lang=ro](https://www.legis.md/cautare/getResults?doc_id=125226&lang=ro)

The budget of the Community provider is made public by posting it on the website or in a public report. The execution of the budget of the Community supplier is supervised and controlled in the manner established by the representative general assembly of the community.

At the same time, there is also the Audiovisual Council, which is regulated by Chapter X, of Code No. 174/2018<sup>171</sup>. According to Art. 73, the Audio-visual Council is the guarantor of the public interest in the audio-visual field and has the mission to contribute to the development of audio-visual media services in accordance with the principles of audio-visual communication provided by this code, norms, standards and international best practices in the field.

The funding of the Audiovisual Council is stipulated in Art. 81 of the Code. (1) The budget of the Audiovisual Council consists of subsidies from the state budget and from its own revenues. Subsidies from the state budget are established annually by the state budget law, and represent the volume of subsidies from the state budget approved for the previous year, indexed with the consumer price index from the last fully executed budget year. The Audiovisual Council's own revenues come from donations, sponsorships and other legal sources. Revenues from individuals or legal entities with an interest in the audio-visual field cannot be a source of supplementing the budget of the Audiovisual Council. The financial activity of the Audiovisual Council is verified by the Court of Accounts in accordance with the legislation in force.

In 2021, the subsidy provided by the state budget for the entire audio-visual field was 87.6 million Moldovan lei; and the subsidy that was provided for television broadcasting was a total of 132 million Moldovan lei.

The investment program in the field of film production and other audio-visual works (cash-rebate) established under Law No. 154/2018<sup>172</sup>. Pursuant to Art. 6 of this Law, the following categories of film productions and other audio-visual works may benefit from financial support:

- feature film;
- short film;
- animated feature film;
- animated short film;
- cartoon series;
- TV series;
- documentary film;
- short documentary series;
- advertising spot;

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<sup>171</sup> Code no.174 / 2018 to the audio-visual media services of the Republic of Moldova, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=125226&lang=ro](https://www.legis.md/cautare/getResults?doc_id=125226&lang=ro)

<sup>172</sup> Law no.154/2018 on attracting foreign investment in the field of film and other production audio-visual works, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=105511&lang=ro](https://www.legis.md/cautare/getResults?doc_id=105511&lang=ro)

- music video;
- TV shows / shows;
- reality show.

The beneficiaries of the Investment Scheme in the field of film production and other audio-visual works, according to Art. 7 of the Law, are obliged to ensure a minimum investment of:

- 100,000 euros for a feature film;
- 30,000 euros for a short film;
- 200,000 euros for an animated feature film;
- 20,000 euros for an animated short film;
- 100,000 euros for a series of cartoons;
- 15,000 euros for a TV series (one episode);
- 25,000 euros for a documentary film;
- 5,000 euros for a short documentary series (one episode);
- 15 000 euros for an advertisement;
- 15,000 euros for a music video;
- 50,000 euros for a TV show / show;
- 50,000 euros for a reality show;

At the same time, Art.8 stipulates that the value of the financial support for the production of a film or an audio-visual work constitutes 25% of the total eligible expenses incurred on the territory of the Republic of Moldova, to which can be added 5%, provided the thematic promotion of the geographical area of the Republic of Moldova in the film or audio-visual work.

**96. What legal regime applies to radio sound broadcasting?**

Radio broadcasting is covered by the same rules that apply to audiovisual media service providers that incorporate both TV and Radio.

**97. What limitations (if any) are there on the ownership of television and/or radio stations? Are there any specific limitations to foreign investors? What is the legal framework on the ownership of television and/or radio stations?**

For TV and Radio, there are special rules regarding the transparency of ownership in the AVMSC. Thus, a person can be the beneficiary owner of up to two television services, and up to two Radio services. No specific limitations are in the Code for foreign investors.

Private media service providers are obliged to publish on their own web pages and to submit to the Audiovisual Council, annually, until the 1st of February, an

activity report including the name, citizenship of the beneficiary owner/beneficiary owners, description of the property structure, as well as information about programs.

The regulatory authority publishes the reports on its official webpage and analyses the reports in public session. In terms of sanctions, for not respecting the legal regime of property, fines of 10000 to 15000 MDL (500-750 EUR) are applied in the first instance, followed by fines of 15000 –20000 (750-1000 EUR) and then of 25000-30000 (1250-1500 EUR), followed by the suspension of license. The license can be removed if false information concerning the legal regime of property is submitted to the Council or in case of refusal to submit information regarding the ownership.

Further, the Code stipulates that a person, his/her spouse, or the legal person who is the sole founder/partner/owner or who holds a share of more than 50% of the shares, voting rights or share capital of a legal person in the field of audiovisual media services cannot hold more than 20% of the shares, voting rights or share capital of a legal entity in the field of audiovisual media services under the jurisdiction of the Republic of Moldova.

A person or legal representative who holds or acquires a share equal to or bigger than 20% of the share capital or voting rights of a legal person holding a broadcasting license or of a legal person controlling the holder of such a license has the obligation to notify the Audiovisual Council about it, in a written statement on its own responsibility, within 30 days from the date it reached the respective quota.

A special article (29) is dedicated to the limitation of the audience share. Thus, it is considered that a person or legal representative has a dominant position in the formation of the public opinion if the audience share of the audiovisual media service exceeds 35% of the market. The Audiovisual Council is tasked to assess the dominant situation in the formation of the public opinion in the case of the existence of well-founded indications regarding the achievement of the above mentioned cota. If a dominant situation is identified in the formation of public opinion, the Audiovisual Council engages in conciliation with the holder of the broadcasting license in order to agree on the measures aimed to remedy the respective situation and ensure the pluralism of opinions. If the conciliation does not lead to the conclusion of a common agreement within 6 months or if the agreement is not implemented within a reasonable time, in order to guarantee pluralism of opinion, the Audiovisual Council may impose sanctions that can lead to the suspension of the licence.

The 2022 Action Plan of the Audiovisual Council sets under the Objective nr.3 - Monitoring the compliance with the provisions of the Audiovisual Media Services Code - the following action: Verifying the compliance with the requirements on ownership transparency and the legal regime of ownership of audiovisual media service providers. The action is set to be implemented by the end of the year.

## D. Film heritage

**98. What legislative, administrative or other appropriate measures have been adopted to ensure that cinematographic works forming part of the audiovisual heritage are systematically collected, catalogued, preserved, restored and made accessible for educational, cultural, research or other non-commercial uses of a similar nature, in all cases in compliance with copyright and related rights?**

Law No. 2016/2014<sup>173</sup> on cinematography regulates the way of carrying out activities in the field of cinematography, supporting the development of the film industry and the management of the national cinematographic heritage.

In accordance with Art. 18 of the above-mentioned law, the cultural goods of the national cinematographic heritage, that are in the public property of the state, are spilt into the following categories:

- films of all kinds (feature films and short films, documentary or animated films), as well as their primary image and sound materials, sound mixes, financed from the state budget or from the budget of some state institutions, made until 2011, except for films made on the basis of co-production contracts, with respect for copyright and related rights;
- documentary materials (photographs, posters, screenplays, scores, etc.), other assets related to the history of local film, kept in the National Film Archive;
- the premises and annexes in which the Centre and its subdivisions operate;
- the primary materials and goods left over from the making of the films referred to in letter a) (props, furniture, suits, weapons, armour, sets or decorative elements, etc.), purchased or made at the expense of the respective films and which may be used to make new movies;
- the headquarters of the "Odeon" Cinema - its buildings with cinematographic or other destinations, as well as the lands related to them.

The goods from the national cultural heritage of the state specified at bullet 1 and 3 are under the administration of the National Centre of Cinematography. Whilst, the goods and materials specified in bullet 4 and 5 are part of the heritage of the Joint Stock Company "Moldova-Film" Studio - a company operating under the authority of the Ministry of Culture (Government Decision No.147/2021<sup>174</sup>), and is under the administration of that company.

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<sup>173</sup> Law no. 116/2014 on cinematography, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=106013&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106013&lang=ro)

<sup>174</sup> Government Decision no.147/2021, on the organization and functioning of the Ministry of Culture, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=127623&lang=ro](https://www.legis.md/cautare/getResults?doc_id=127623&lang=ro)



Furthermore, in the structure of the National Centre of Cinematography, according to Art. 8 of Law No. 116/2014<sup>175</sup>, there are the following subdivisions:

- National Film Archive
- Film registry.

The National Film Archive is a unique, legal repository in the field of cinematography, and it fulfils the following functions:

- the collection, preservation, restoration and enhancement of films, written documents and those of any other nature of national and universal cinematographic culture;
- promotion the cinematographic culture.

The Film registry performs the following functions:

- ensuring the record of individuals and legal entities carrying out activities in the field of cinematography (production, distribution, exploitation);
- carrying out the classification and issuing of operating visas for films distributed on the territory of the Republic of Moldova, except for those transmitted by air or cable;
- certification of cinemas and cinematographic projection equipment used in other public spaces intended for the projection of films.

Regarding the distribution of film on the territory of the Republic of Moldova, it is important to mention that, according to Art. 9, of Law No.116/2014, the film, before being distributed, must obtain the classification certificate and the operating visa from the Film Registry. Moreover, films presented at international film festivals or cultural exchanges organized in the Republic of Moldova are exempt from obtaining the classification certificate and the operating visa.

#### **99. How is the notion of cinematographic works forming part of the audiovisual heritage defined?**

The notion of cinematographic work is defined by the appropriate legislation. Pursuant to Art. 3 of the Law No.139/2010<sup>176</sup> on Copyright and Related Rights, cinematographic work is defined as audio-visual works. While, according to the Art. 18. the following shall be recognized as authors (joint authors) of an audio-visual work:

- the principle director;
- the author of the scenario (the scriptwriter);
- the author of the dialogue;

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<sup>175</sup> Law no. 116/2014 on cinematography, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=106013&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106013&lang=ro)

<sup>176</sup> Law No.139/2010 on copyright and related rights, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=95282&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=95282&lang=ro#)

- the composer – author of any musical work (with or without words) created specifically for the audio-visual work;
- the cameraman;
- the scene painter;
- other possible authors who contribute in a creative manner to the production of the audio-visual work.

The author of the pre-existing work that has been incorporated, after transformation or unchanged, in an audio-visual work, shall also be deemed a joint author of such audio-visual work. Unless otherwise laid down by contract, the conclusion by an author of a contract for creating an audio-visual work shall imply assignment, in exchange of an equitable remuneration, by the joint authors to the producer of such work of the following exclusive rights of exploitation: the rights of reproduction, distribution, rental, public display, public performance, retransmission, interactive making available to the public and the rights of subtitling and dubbing.

The producer of the audio-visual work shall be entitled to indicate his or its name or designation or require that it be indicated in respect of any public use of the work. Authors of audio-visual works cannot prohibit the publication of the audio-visual work, or the use of the final version of the audio-visual work, in whole or in part.

Notwithstanding the provisions of para. (3) of this Art.18, when the authors transfer their right of rental to the producers of audio-visual works, they – as provided in Art. 11(4) of this Law – shall retain a right to equitable remuneration for each rental. When the authors of musical works, with or without words, transfer their rights of public performance and communication to the public to the producers of audio-visual works, they also shall retain a right to remuneration for each act of public performance or communication to the public.

The master copy of the audio-visual work (negatives, original recording) may not be destroyed without the consent of the author or the other holders of economic rights and related rights in the audio-visual work.

According to the Art. 23., the copyright in audio-visual works shall be protected for 70 years, computed as from January 1 of the year following that of the death of the last surviving joint author:

- the principle director;
- the author of the scenario (the scriptwriter);
- the author of the dialogue;
- the composer – the author of the musical work (with or without words) created specifically for such audio-visual work.

Yet, according to Art.2, Law No. 116/2014<sup>177</sup>, the notion **cinematography** is defined as **a field of culture and art that aims at the production, distribution and exploitation of films and brings together material resources, creative, technical and managerial activities, as well as the staff that ensures the cinematographic process**. Also, Art.2 stipulates that the film author is the screenwriter, director, cinematographer, set designer, author of the musical work specially written for a particular film, as well as any other natural person who contributes creatively to the making of the film, defined as such by Law No.139/2010 on copyright and related rights.

At the same time, the Law No. 280/2011<sup>178</sup> is the law that regulates the definition and notions regarding the national cultural heritage. Art. 2 of this law stipulates that **the notion of movable national cultural heritage is a set of movable cultural goods**, classified in the national cultural heritage with special or exceptional historical, archaeological, documentary, ethnographic, artistic, scientific and technical, literary, **cinematographic**, numismatic value, philatelic, heraldic, bibliophile, cartographic, epigraphic, aesthetic, ethnological and anthropological, representing material testimonies of the evolution of the natural environment and of man's relationship with this environment, of the human creative potential.

**100. Please describe the type of deposit in Moldova as: Legal Deposit, Compulsory Deposit of all funded films, Voluntary Deposit, Other (please specify).**

Currently, there is no single deposit in this regard, the cinematographic goods are dispersed and kept in several institutions. However, National Centre of Cinematography being the institution of national interest subordinated to the Ministry of Culture meant to implement the state policies in the field of cinematography, based on the prerogatives it has under the Government Decision No. 846/2015<sup>179</sup> on the implementation of the provisions of the Law No. 116/2014 on Cinematography, receives from the film producers, who have benefited from financial support from the state, copies of the works, which they store in digital format. Furthermore, as mentioned in Question 98, the National Film Archive (part of the Centre) is a unique, legal repository in the field of cinematography, and it is responsible for the collection, preservation, restoration and enhancement of films, written documents and those of any other nature of national and universal cinematographic culture.

One of the locations is the Teleradio Moldova Company, where the Collections are kept, numbering 23,000 boxes - Soviet short films, several Moldovan titles and

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<sup>177</sup> Law no. 116/2014 on cinematography, available in Romanian at:

[https://www.legis.md/cautare/getResults?doc\\_id=106013&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106013&lang=ro)

<sup>178</sup> Law no. 280/2011 on the protection of the mobile national cultural heritage, available in Romanian at:

[https://www.legis.md/cautare/getResults?doc\\_id=106379&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106379&lang=ro)

<sup>179</sup> Government Decision no. 846/2015 on the implementation of the provisions of the Law on Cinematography no. 116/2014, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=130797&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130797&lang=ro)

animated films. Here are lists of titles, files, but not a database of technical and artistic data. There is no access to films for researchers or professionals.

Another institution is the Joint Stock Company "Moldova film", the only institution that has a filmography (since 1952) and provides access to researchers on request for viewing. Moldova Film has a collection of objects, devices, costumes, utensils, a museum archive that attests to the history of film production in Moldova. The collections number 25,000 boxes.

When it comes to The National Archives Agency, it has a modest stock (2400 titles) consisting of documentaries (the first dates from 1911). The National Archive does not have a legal deposit or a national filmography. The cinematographic works and cinematographic material of historical, artistic, cultural and scientific significance are deposited in the archives of the National Archives Agency, in accordance with the Law No. 880/1992<sup>180</sup> on the Archival Fund of the Republic of Moldova.

Moldcinema Joint Stock Company has a collection of 1118 titles: documentaries, fiction and animation. Some of the films from the collection have been digitized.

**101. Is there any provision/practice in Moldova concerning the collection of non-film material?**

According to para. (1), letter b), art. 18 of Chapter V of Law No. 116/2014<sup>181</sup> on cinematography, documentary materials (photographs, posters, screenplays, scores, etc.), other goods related to the history of local film are being kept in the National Film Archive.

Para. (1) letter d), Art. 18, stipulates that primary materials and goods left over from the making of national heritage films (props, furniture, costumes, weapons, armor, sets or decorative elements, etc.), purchased or made at the expense of those films, are collected and may be reused at making movies. These goods and materials specified in para. (1) letter d), are part of the patrimony of Joint Stock Company "Moldova-Film", a company operating under the authority of the Ministry of Education, Culture and Research (now Ministry of Culture), and is under the administration of that company.

However, we would like to mention the fact that at the moment the Regulation on the activity of the National Film Archive is being developed. This Regulation will stipulate in detail the procedure for collecting non-film goods in the field of

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<sup>180</sup> Law No. 880/1992 on the Archival Fund of the Republic of Moldova, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=119218&lang=ro](https://www.legis.md/cautare/getResults?doc_id=119218&lang=ro)

<sup>181</sup> Law no. 116/2014 on cinematography, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=106013&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106013&lang=ro)

cinematography. This Regulation will go through the procedure of approval by Government Decision.

**102. Please describe the databases used by the Film Heritage Institutions. Are they searchable via internet?**

Pursuant to para. (2), Art. 6, Law no. 116/2014<sup>182</sup>, the National Centre of Cinematography has in its attributions to ensure the functioning and administration of the Film Registry, a unitary tool for keeping record of films and of individuals and legal entities carrying out activities in the field of cinematography. The organization and functioning of the Film Registry is yet to be established by a regulation approved by the Government.

The Film Registry database is not available via the internet.

**103. What measures/programmes have been taken in order to ensure preservation of deposited cinematographic works?**

The measures that will ensure the preservation of deposited cinematographic works are yet to be established through the Regulation on the activity of the National Film Archive approved by the Government.

In the Republic of Moldova was initiated the Project for digitization and archiving (preservation) of fiction, documentary and animation films produced at the Joint Stock Company "Moldova Film" Studio. The main aim of this project is to provide the Moldova Film Studio with complete digitizing equipment and ultrasonic film washing machine, to digitize and archive the film collection. The project is carried out with the financial support of the United States of America Embassy in Chişinău under the Small Grants Program amounting to 80500.00 US Dollars and the European Union Program "Confidence-Building Measures" in the amount of 40,000.00 Euro. The ultimate goal is to save the national film heritage.

Since February 2021, more than 50 films have been digitized (12 fiction films, 25 documentaries, 22 animation). The digitized films are broadcast on Moldova1 and Moldova 2 television stations. Starting with June 2022, as part of a larger project entitled "Moldova Film - the retrospective of digitized films", these will be broadcast at the cinema of the Odeon Cultural Center.

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<sup>182</sup> Law no. 116/2014 on cinematography, available in Romanian at: [https://www.legis.md/cautare/getResults?doc\\_id=106013&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106013&lang=ro)

**104. What steps have been taken to promote professional training in all fields related to film heritage?**

There have been no steps taken to promote professional training in all fields related to film heritage yet.

Nonetheless, according to the activities planned as part of the projects for digitization and archiving (preservation) of fiction, documentary and animation films produced at the Joint Stock Company "Moldova Film" Studio, specific activities to promote professional training in the field of film heritage will be provided to the team involved in that projects. The project started in February 2022 and is expected for an indefinite period.

**105. Is there a strategy for the national film heritage and annual plans for specific issues (digitisation, restoration, education etc.)?**

In the Republic of Moldova, there is no specific strategy for the film heritage digitization, restoration and promotion. However, according to the Action Plan of the Government of the Republic of Moldova for 2021-2022, during 2022, the Ministry of Culture will develop the National Strategy for the Development of Culture and National Heritage 2030. This document will also refer to the implementation of measures for the creation of the film archive, as well as, the creation of a system for the protection and promotion of cinematographic works. At the same time, with the support of USAID Moldova, a concept of restructuring the Joint Stock Company „Moldova Film” will be elaborated, by building the National Film Archive on the basis of the owned film fund. The elaboration of the project and the reorganization of the institutions is expected for the period of 2022.

Based on the existing situation, the Strategy will support the establishing of the cinematographic infrastructure, setting up of a better organization of the production, release and screening of films, restoration of the material base and creating of better conditions for the film restoration, distribution and promotion.

**E. Protection of minors**

**106. Is there a national strategy dedicated to online protection of minors? What are the competent authorities in the field?**

Currently, there is no national strategy dedicated to the online protection of minors. The previous National Action Plan on promoting the safety of children and adolescents on the Internet for the years 2017-2020 (approved by the Government Decision no. 2012 of 05 April 2017 for the approval of the Action Plan on promoting the safety of children and adolescents on the Internet for the years 2017-

2020<sup>183</sup>) expired in 2020. In the same time, based on the identified problems, the actions of the plan have been grouped according to the following general objectives/areas of intervention:

- Reducing illegal content on the Internet and addressing the behavior with negative impact in the online environment.
- Promoting a safer digital environment for children and adolescents through the collaboration of all parties involved.
- Raise awareness and inform the parties that are in direct contact with children about the risks of the online environment and recommendations on safe Internet browsing.
- Develop statistics and promote research on the online safety of children and adolescents.

In 2021, the Ministry of Social Affairs started to develop a new Child Protection Programme which includes some activities related to the online protection of minors. It was not approved by now. Extended consultations with all relevant stakeholders should be launched.

According to the previous National Action Plan, the competent authorities in the field were the former Ministry of Information Technology and Communications (current - Ministry of Economy and Ministry of Infrastructure and Regional Development), the Ministry of Education and Research, the Ministry of Internal Affairs, the Ministry of Labor and Social Protection, the Special Telecommunication Centre (CERT-GOV), the National Agency for Regulation in Electronic Communications and Information Technology, Information Society Development Institute.

In order to ensure a system of protection and development of the information space, the Republic of Moldova adopted the Information Security Strategy for 2019-2024, which includes the Action Plan and represents an assessment of the current situation in the field of information security, lists the recorded performances and points out new trends in the development of the information society.

The phenomenon of combating cybercrime is approached as a component part of the Information Security Strategy for 2019-2024, and the objective of Protecting children from any form of abuse in the online space consists of the following actions:

- combating the phenomenon of child pornography on the Internet;
- combating the phenomenon of grooming and sexual harassment of children through the Internet;
- promoting a safer *Internet* for children through on-line counselors and encouraging reporting through specialized informational projects.

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<sup>183</sup> [https://www.legis.md/cautare/getResults?doc\\_id=109701&lang=ro](https://www.legis.md/cautare/getResults?doc_id=109701&lang=ro)

The competent authorities in the field are the Ministry of Internal Affairs, the General Prosecutor's Office, in partnership with the Ministry of Health, Labor and Social Protection, Ministry of Education, Culture and Research, NGO-s, civil society, mass-media, ISPs.

At the same time, the Action Plan of the Ministry of Internal Affairs for the implementation of the Information Security Strategy of the Republic of Moldova for the years 2019–2024, approved by the Order of the Ministry of Internal Affairs no.143 of 14.03.2019, Objective No. 6 child protection from any form of abuse in the Internet lead to realizing a series of actions in order to prevent and combat the online sexual abuse and exploitation of children.

**107. Is there a recognition of the rights of the child in digital dimension? What measures are put in place to ensure that right are respected online as offline?**

At this moment, there is no recognition of the rights of the child in digital dimension. The national Law no. 338-XIII of 15 December 1994 on Children Rights<sup>184</sup> is not adapted to the digital dimension and does not reflect any measure related to the children's right to be respected in any environment, both online and offline.

In this regard, the Ministry of Labor and Social Protection has finalized the draft of the National Program for Child Protection for the years 2022-2026, which provides some actions aimed to protect children in the online environment in order to prevent the phenomenon of violence against children, as follows:

- Elaboration of the legal framework in order to approve / modify the mechanisms of intersectorial collaboration in accordance with the new changes of the legal framework and the current situation in the field of child protection, including the procedures for preventing violence in the online environment;
- Elaboration of the Guide regarding on internal child protection policies (including online) for institutions that are working with and for children;
- Information, awareness and education the population about the negative impact of all forms of violence towards children (especially physical abuse, exploitation and sexual abuse, bullying, online violence, etc.), as well as gender equality and combating gender stereotypes among children in all environments;
- Elaboration and approval of the mechanism of reporting and blocking the online sexual abuse materials.

In the same time, worth to be mentioned that during 2018-2019, in the process of curriculum development, the topic of child safety in the online menu was included in several school subjects. In the context of the transition to online education, in

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<sup>184</sup> [https://www.legis.md/cautare/getResults?doc\\_id=94939&lang=ro](https://www.legis.md/cautare/getResults?doc_id=94939&lang=ro)



order to properly involve teachers and management in ensuring the safety and protection of children in the online environment, methodological guidelines on online safety and security of students in the distance education process were developed for primary, middle and high schools in Romanian and Russian<sup>185</sup>.

In order to cultivate safe and responsible online behaviors in children, to increase their resilience to online dangers, we want to achieve a comprehensive approach to online safety in schools, involving all actors in the educational system, in 2021, the Ministry of Education and Research of the Republic of Moldova developed and approved the Standards for the protection and safety of children/students in the online environment (MER order no. 872 of 12.07.2021<sup>186</sup>). The Standards are intended to ensure the implementation of the Safe Online School Model - a comprehensive approach to online child safety in schools, taken from international best practices in the field. In the 2021-2022 study year the Standards are being piloted in 6 educational institutions across the country. After piloting we will analyze the results, adjust if necessary this document and subsequently, they will become mandatory for all educational institutions in the country. We would like to mention that the implementation of these standards will also contribute to the achievement of the objectives established in various national regulations and international commitments.

- The Lanzarote Convention, ratified by the Republic of Moldova in 2012, the implementation of which constitutes a commitment for the country.
- Achievement of Sustainable Development Goals No. 4 "Quality Education" and No. 16 "Stop child abuse, neglect, exploitation, trafficking and all forms of violence and torture".
- European strategy for a better internet for children - key policy document at the European level (approved in 2012)
- European Framework for Competent Online Educational Organisations (DigCompOrg), SELFIE
- Recommendation of the Committee of Ministers to promote digital citizenship education, whereby CoE member states, including the Republic of Moldova.

**108. Are there any legal requirements, which apply specifically to ISPs and how they should deal with illegal or harmful content accessed online? What type of content is categorised as illegal? Is there a definition of harmful content or guidelines on what constitutes harmful content?**

The Law no. 20 of 03 February 2009 regarding the prevention and combatting of cybercrime<sup>187</sup>, article 7 e<sup>1</sup>) stipulates that the ISP are obliged to cease in accordance with the law using methods and technical means of possession, access from its own computer system to all IP addresses on which web pages are located, including

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<sup>185</sup> [https://mecc.gov.md/sites/default/files/img20201007\\_13332167.pdf](https://mecc.gov.md/sites/default/files/img20201007_13332167.pdf)

<sup>186</sup> <https://mecc.gov.md/ro/content/siguranta-copiilor-internet>

<sup>187</sup> [https://www.legis.md/cautare/getResults?doc\\_id=12753&lang=ro](https://www.legis.md/cautare/getResults?doc_id=12753&lang=ro)

those hosted by the respective provider, which contribute to committing crimes or violating the provisions of applicable law or contain/disseminates instructions on how to commit them. No specific requirements apply related to the access to harmful content online.

According to Law no. 30 from 07 March 2013 regarding the protection of children from the negative impact of information<sup>188</sup> in art. 3 is defining the information with a negative impact on children the information publicly accessible, from the following categories:

- The information about violence which is encouraging the aggression and contempt for life;
- Approving damage or destruction of property;
- Which is focused on the body of a dead person, in agony or mutilated, as a result of cruel treatment, unless such a presentation is necessary to identify the person;
- With pornographic character;
- That invites children to participate in lottery games or other games that give the impression of easy winnings;
- Welcoming the dependence on narcotic, toxic, psychotropic substances, tobacco, alcohol and other substances which are or may be used as narcotics, and which encourages their consumption, production, distribution or procurement;
- Inciting to cause bodily harm or suicide, describing the means or circumstances of suicide;
- Who positively assesses a crime or who idealizes offenders;
- Which encourages behaviors that offend human dignity;
- Which related to mockery or humiliation of a person or a group of people in connection with their ethnic origin, national racial, sexual affiliation, illness, social status, spoken language, religion, beliefs or shared opinion;
- Which presents paranormal phenomena staged in such a way as to produce the impression of reality;
- Which encourages violence and sexual exploitation, sexual abuse of children, sexual intercourse between children;
- Who uses licentious language and indecent gestures;
- Containing advice on the production, purchase, or use of explosives, narcotics or psychotropic substances, other life-threatening or dangerous objects;
- Which encourages poor eating habits, hygiene and physical inactivity;
- Which demonstrates a mass hypnosis session, the subject of which is the mass media auditorium.

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<sup>188</sup> [https://www.legis.md/cautare/getResults?doc\\_id=106343&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106343&lang=ro)

From the above list of information with negative impact on children, the content which relates to mockery or humiliation of a person or a group of people in connection with their ethnic origin, national racial, sexual affiliation, illness, social status, spoken language, religion, beliefs or shared opinion, the information with pornographic character, which encourages the violence and the exploitation of children or which demonstrates violence is illegal. In rest, all the mentioned categories of information are considered to be harmful and the dissemination of this information is limited. The Law no. 30 from 07 March 2013 regarding the protection of children from the negative impact of information<sup>189</sup> does not refer specifically to the online environment and does not have any specific provision to recognize the same approach to prohibit or limit the same categories of content in the digital dimension.

However, the law No. 30/2013 on Protection of Children Against the Negative Impact of Information provides in Art. 1 the definition of "Information with negative impact on children". Art. 3 of the same law provides the list of types of information which is considered to have negative impact on children. Same law provides limitation for harmful contact dissemination and provides ban for dissemination of information with negative impact on children, which is applicable for media and ISPs. The ISPs are also obliged to offer the customers content filtering applications.

**109. Are there any specific requirements for ISPs to inform the law enforcement about illegal content identified online?**

The Law No. 284/2004 on Electronic Commerce provides<sup>190</sup> in Art. 25 that the ISPs have the obligation to provide the public with an easily accessible and visible tool that allow any person to inform the respective service providers regarding known acts, carried out through their services that constitute offenses. The service providers are obliged to communicate promptly to the competent public authority that illicit activities are carried out via their services, after such information is reported.

**110. Has a "hotline" for reporting harmful or illegal content been established? If so, please give details (including web and e-mail address) of the hotline(s), including their method of financing.**

Materials or situations harmful to children can be reported by accessing: <https://siguronline.md/rom/parintii/ajutor/raporteaza-abuz-65>.

You can find out more about preventing online abuse by contacting the number 116 111, the telephone line dedicated to children at European level, which works 24 hours a day, is free, confidential and ensures anonymity. At 116 111 and

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<sup>189</sup> [https://www.legis.md/cautare/getResults?doc\\_id=106343&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106343&lang=ro)

<sup>190</sup> [https://www.legis.md/cautare/getResults?doc\\_id=107529&lang=ro-](https://www.legis.md/cautare/getResults?doc_id=107529&lang=ro-)

<http://telefonulcopilului.md> can also be reported situations in which children are victims of abuse in the digital environment, situations such as cyberbullying, online grooming, exposure of children to illegal content on the Internet, exploitation of children online. The notification can also be made to the Single National Service for Emergency Calls 112.

Since 2021, the International Centre La Strada in partnership with INHOPE and with the Ministry of Internal Affairs initiated the development of a hotline for reporting child sexual abuse material. Three consultation meetings have been organized with all relevant stakeholders (public authorities, industry, NGOs, etc.). A roadmap for setting up a hotline in Moldova was developed. The hotline corresponding to international standards set by INHOPE is planned to be launched by the end of 2022.

At the moment, harmful or illegal content can also be reported to the following helplines:

- “Safe online”<sup>191</sup>, administrated by NGO “La Strada”;
- “12 Plus”<sup>192</sup>, administrated by NGO “CNPAC”;
- 116-111 (Child’s phone), administrated by NGO “CNFACEM”.
- The Ministry of Internal Affairs have concluded cooperation agreements with the mentioned NGOs on the subject. Also, the illegal content can be reported to the police directly via the police website<sup>193</sup>.
- A hotline dedicated in particular for illegal content is in the process of being established in cooperation with the NGO “La Strada” and the “INHOPE” and shall become a member of the network.

**111. Has an association of Internet Service Providers (ISPs) been established in Moldova? Has a code of conduct / code of practice been drawn up by the ISPs?**

The Moldovan Association of Information and Communications Technology Companies was established in Moldova in 2008. The association is business-oriented and is not involved in any initiatives related to the online protection of minors.

**112. Have any efforts been made, either by industry or public authorities, to develop a filtering and rating system online in Moldova? What is the approach towards user-generated content?**

In order to implement the Action Plan on promoting Internet safety of children and adolescents for the years 2017-2020, approved by Government Decision no. 212

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<sup>191</sup> <https://siguronline.md/>

<sup>192</sup> <https://12plus.md/>

<sup>193</sup> <https://politia.md/ro/content/petitii-line>

of 05 April 2017<sup>194</sup>, were promoted amendments to article 5 paragraph (8) of the Law no. 30 of 07 March 2013 on the protection of children against the negative impact of information<sup>195</sup>, in order to oblige Internet access service providers to offer end users the possibility to install applications filtering of Internet content with a negative impact on children, as well as to introduce in the main menu of their official web pages a section dedicated to information on Internet safety.

Subsequently, in order to execute article 5 paragraph (8) of the Law no. 30/2013, ANRCETI issued the Decision no. 15 of 04 May 2018 on the approval of the Recommendations on self-regulation of the Internet content filtering service with a negative impact on children provided by publicly available Internet access service providers<sup>196</sup>.

In this regard, it has been recommended that publicly available Internet service providers have to take the necessary measures to ensure that parents and their legal guardians can protect minors from preschool and school institutions from potentially harmful information from the Internet, by installing programs (software, applications) for filtering content from the Internet with a negative impact on children.

Thus, in order to publicize the services of Internet content filtering with a negative impact on children, Internet service providers have introduced in the main menu of the official website a section dedicated to information on child safety on the Internet, which includes guides and other useful information. Also, there have been distributed and displayed informative materials in a visible place.

**113. What measures have been taken to spread awareness of safer internet issues at local and national level? How users in the situation of vulnerability are reached (e.g. children with disabilities, migrant children, refugees)?**

The International Centre La Strada is [Safer Internet Day Committee in Moldova](#) and for the last 8 years, conducts awareness-raising campaigns on the occasion of Safer Internet Day. Annually, La Strada spreads awareness of safer internet issues, in partnership with national authorities (Ministry of Education and Research, General Inspectorate of Police, etc.). Thematic video materials on emerging child safety online risks are developed and widely disseminated online. As well, each year, La Strada in partnership with the Ministry of Education and Research encourages the involvement of teachers in promoting safety online, by conducting a national contest. Teachers are encouraged to inform a higher number of children about online risks and safety measures, to guide youth participation in promoting child safety online, or to raise awareness among parents and provide them with resources, tools, and guidance on positive parental tips for education.

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<sup>194</sup> [https://www.legis.md/cautare/getResults?doc\\_id=109701&lang=ro](https://www.legis.md/cautare/getResults?doc_id=109701&lang=ro)

<sup>195</sup> [https://www.legis.md/cautare/getResults?doc\\_id=106343&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106343&lang=ro)

<sup>196</sup> <https://www.anrceti.md/files/filefield/HCA%20nr.%2015%20din%2004.05.2018.pdf>

In 2021, the Ministry of Education, Culture and Research (MECR) developed and approved the Standards for the protection and safety of children/students in the online environment (MECR Order no. 872 of 12 July 2021)<sup>197</sup>. The standards are meant to ensure the implementation of the Online Safe School Model - a comprehensive approach to online child safety in school, taken from the good international practice in the field. In the academic year 2021-2022, the standards are piloted in 6 educational institutions in the country. After piloting, the results will be analyzed and according to them the standards will be adjusted if that will be the case, and later becoming mandatory for all educational institutions in the country.

The International Centre La Strada is operating [www.siguronline.md](http://www.siguronline.md), an informational and awareness-raising platform on safer internet issues, which provides online counseling and support in cases of online abuse. The website is widely promoted during the national Safer Internet Day Campaign, in schools, among children, teachers, and parents.

In the context of the refugee crisis and children affected by forced displacement from Ukraine, the International Centre La Strada plans to adapt the content provided on [www.siguronline.md](http://www.siguronline.md) and to promote online safety tips to children refugees.

In general education, the Ministry of Education, in collaboration with the International Centre "La Strada", has regularly carried out activities to inform students, parents, teachers, and school psychologists about the online risks to children may be exposed and the measures to protect them. Online safety rules, practical and useful tools for filtering harmful and illegal content that can be accessed by children, and recommendations for child safety online were promoted. Information materials with recommendations on child online safety, teaching resources, and teachers' guides, adapted to the age group of the child, were developed. The information portal and counseling service for children at risk online [www.siguronline.md](http://www.siguronline.md) has been continuously promoted. Thousands of children have been directly informed by La Strada International Centre specialists on how to recognize and deal with online risks. Pupils benefited from an age-appropriate approach and learned about the following aspects of online safety: online image and reputation, online communication and friendships, online relationships, etc.

During 2020-2021 the campaign on the prevention of violence in school, as well as online, was carried out in collaboration with UNICEF, CA Coliseum, and National Theatre "M. Eminescu". Within the Campaign, 20 shows "Body of a Child" and "1000 Angels" were presented to students free of charge. The national competition for students "For a better internet" has been running for 3 years now.

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<sup>197</sup> ordin\_aprobare\_sso.pdf (gov.md)

In October, Cyber Security Month is held annually in general education institutions across the country, and in February International Safer Internet Day is marked by various information activities for pupils, parents, and teachers.

In 2018 the communication of general education teachers "Intersection. Safe Zone Online", which today gathers a commune of over 1000 teachers. The program is designed to support the education system in promoting the safe online behavior of children. In the framework of this Programme, the following activities have been carried out from 2018 - 2021:

- National conferences on online child safety for primary school teachers,
- National conferences on online child safety for secondary school teachers,
- best practice exchange workshops attended by over 400 teachers who shared their experience of working with pupils on online safety activities based on recommended teaching materials
- training workshops for secondary and primary school teachers, three national competitions were held "Intersection. Safe Zone Online", in which teachers put into practice the information and knowledge they had gained from attending the conferences;
- Teaching resources were developed for primary and secondary school teachers. All resources are available online on the portal [www.siguronline.md](http://www.siguronline.md) , under the category "Teaching resources".
- Information resources for teachers (articles, guides, etc.) have been developed and are available on the portal [www.siguronline.md](http://www.siguronline.md) , under the category "Information resources".
- Video lessons have been developed for the topic of Online Safety<sup>198</sup>

Other prevention activities carried out by the Ministry of Education with the support of educational partners:

- Annual national information campaign in the context of Child Internet Safety Day (in February);
- Regular organization of information seminars, demonstration lessons with students on online safety for teachers all over the country;
- Other information activities for teachers, are carried out in collaboration with specialists from the national projects "Online Education" and the National Centre for Digital Innovations in Education "Classroom of the Future".

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<sup>198</sup> <https://educatieonline.md/>

**114. Please describe measures, which have been taken in order to improve digital skills and media-literacy (e.g. teaching children how to make a responsible use of new media). How dis and misinformation is tackled?**

In order to improve digital competences and media literacy, the Ministry of Education and Research, with the support of educational partners, has carried out the following:

- Approval of the curriculum for the optional subject Media Literacy for grades III-XI, textbooks, and teaching aids, developed by the Centre for Independent Journalism<sup>199</sup>. In the period 2017-2021, 7700 students from all three grades studied the optional subject Media Literacy. In the 2021-2022 academic year, 123 pedagogues who have trained in media literacy in recent years are teaching the optional subject Media Literacy to 4,459 pupils in 103 schools across the country. According to SIME data, the number of students and teachers has doubled over the last three years:

	2019-2020	2020-2021	2021-2022
Number of teachers	65	74	123
Number of students	2664	2898	4459

Launch of the Mediacritica portal<sup>200</sup>, a unique online resource designed to combat the phenomena of propaganda and manipulation in the media and to develop the critical spirit of media consumers in Moldova. Thematically updated with various materials, the portal has become a reference resource for combating media manipulation and promoting critical thinking.

Since 2020, the "Media Education - a priority in my school" competition has been held annually to support and encourage teachers' efforts to educate students in critical thinking.

Since 2019, in the process of curriculum reform, topics on internet safety and security, netiquette, media literacy, etc. have been included in the content studied in various school subjects (Computer Science, Personal Development, Education for Society, Digital Education, Romanian Language and Literature, Foreign Languages, etc.).

In order to increase children's/students resilience to online dangers and to develop safe and responsible online behaviors in children, in 2021, MEC developed the Standards for the Protection and Safety of Children/Students in the Online Environment<sup>201</sup>. The Standards aim to ensure the implementation of the Safe Online School Model - a comprehensive approach to children's online safety in school, drawn from international best practices in the field. The implementation of the standards also contributes to achieving the objectives set out in various national

<sup>199</sup> <https://educatia.mediacritica.md/ro/category/recente/de-invatat/curriculum/>

<sup>200</sup> <https://educatia.mediacritica.md/ro/tag/curs-optional/>

<sup>201</sup> [https://mecc.gov.md/sites/default/files/ordin\\_aprobare\\_sso.pdf](https://mecc.gov.md/sites/default/files/ordin_aprobare_sso.pdf)



legislation and international commitments, such as the Lanzarote Convention; Sustainable Development Goals 4, "Quality Education", and 16 "Stop child abuse, neglect, exploitation, trafficking and all forms of violence and torture"; the European Strategy for a Better Internet for Children - a key policy document at European level; the European Framework for Competent Online Educational Organisations (DigCompOrg); the Recommendation of the Committee of Ministers for the Promotion of Digital Citizenship Education, which encourages the CoE Member States, including the Republic of Moldova, to review their legislation, policies, and practices to promote digital citizenship education.

To contribute to the training and development of digital competencies of the young generation, as well as to achieve the Digital Competence Standards for primary, secondary, and high school students, in the process of developing the National Curriculum carried out during 2018-2019, several school subjects were reconceptualized, including the subject of Informatics and Technological Education by introducing the Digital Education module and other ICT-based optional courses. And the development of digital competencies and the implementation of ICT in the educational process became a basic requirement in all school subjects.

In order to meet the educational needs of students and to help them train, improve and test their necessary digital skills, the concept of "Classroom of the Future" is being promoted in the country's education system, with school premises and laboratories being equipped with state-of-the-art digital equipment.

The following actions have been taken in order to develop students' digital skills:

- Development of Digital Competence Standards for primary, secondary, and undergraduate pupils and Digital Competence Standards for general education teachers.
- Modernization and development of the curriculum in the school subjects of Technological Education and Informatics. In primary education, grades 1-4, the subject of Technological Education has been supplemented with the modules "Digital Education" and "Robotics", the former being compulsory. The subject of Informatics has been reconceptualized by including the variable part, giving pupils the possibility to select a module of their choice from the 3-4 modules proposed.
- Diversification of the curriculum offers optional subjects focused on building students' digital skills and effective use of modern information technologies: Robotics, Mobile Application Design, and Development, Web Design and Development, IT Security Initiation, Graphic Design, Artificial Intelligence. Currently, these optional ICT subjects are taught in more than 330 schools (26.8%), benefiting more than 25,000 pupils (about 8%). Pupils' interest in these subjects is growing year by year.

**115. Do media service providers provide sufficient information about content that may impair minors' physical, mental or moral development? Are on-screen warning icons, acoustic warnings or visual symbols required, either by law or by codes of conduct, for potentially harmful television programmes?**

Media service providers are required by the law to limit the access of children to programs that can affect the physical, mental or moral development of children. In the absence of a conditional access system, the respective programs may be broadcast only in the allowed time interval, according to the classification of the program according to its content. The Audiovisual Coordination Council approved in 2012 the Decision no. 98 of 19 July 2012 regarding the classification of audiovisual programs to protect children, which establishes the categories of audiovisual productions which are prohibited to children per age category.

Media Service Providers overall respect the requirements related the protection of minors, as set the Audiovisual Media Services Code, Article 15 – Protection of Minors:

- (1) The media service providers have the obligation to respect the principle of the best interests of the minor.
- (2) The minor has the right to the protection of his / her image and privacy.
- (3) When establishing the conditions for the minor's participation in an audiovisual program, the sensitivity and vulnerability specific to the minor's age, in general, as well as his / her personality type, in particular, shall be taken into account.
- (4) The minor's right to respect for his or her privacy and image prevails over the need for information, including in the case of a minor in difficult situations.
- (5) In audiovisual programs, the minor may not be used or exposed by parents, relatives, legal representatives, lawyers or other persons responsible for his or her upbringing and care, in order to obtain benefits of any kind or to influence the decisions of the authorities. public.
- (6) The broadcasting of audiovisual programs which may affect the physical, mental or moral development of minors, in particular those containing scenes of pornography or unjustified violence, shall be prohibited in linear audiovisual media services.
- (7) Audiovisual programs likely to affect the physical, mental or moral development of minors may be broadcast in linear audiovisual media services only if their viewing is restricted by a system with conditional access.
- (8) In non-linear audiovisual media services, audiovisual programs which may affect the physical, mental or moral development of minors may be made available with compulsory measures to restrict access, so that minors cannot see or hear normally the respective programs.

(9) The Audiovisual Council establishes in the Regulation on audiovisual content detailed provisions regarding:

- a) classification of audiovisual programs for the protection of minors;
- b) information containing personal data with a negative impact on minors;
- c) information with a negative impact on minors;
- d) information on minors at risk.

The following additional requirements regarding the protection of minors are set for media service providers:

- a) broadcast on Saturdays and Sundays, during the holidays of minors and on non-working holidays;
- b) broadcast between 07.00–08.00 and 17.00–21.00, and on the days and periods provided in letters a) - 08.00–12.00 and 17.00–22.00;
- c) in case of broadcasting the programs dedicated to betting and gambling (except for lotteries) allowed by the legislation in force, which can take place only between 01.00–05.00;
- d) in case of broadcasting audiovisual commercial communications;
- e) in other cases provided for in directives, resolutions and recommendations adopted by the European Parliament, the Council of the European Union and / or the Council of Europe.

In order to protect minors, the Audiovisual Council:

- a) promotes among the media service providers the need for regulation in the field of audiovisual commercial communications;
- b) establishes requirements in the field of non-linear audiovisual media services regarding the protection of minors;
- c) promote, on the basis of the recommendations, the creation and updating of the catalogs of audiovisual programs for minors and of the catalogs of audiovisual programs with prior individual authorization.

In 2012, AVC adopted a separate normative act regarding the classification of audiovisual programs in order to protect children<sup>202</sup> and another one concerning

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<sup>202</sup><http://www.audiovizual.md/files/D.98%20din%2019%20iulie%202012%20-%20Cu%20privire%20la%20clasificarea%20programelor%20audiovizuale%20in%20scopul%20protectiei%20copiilor.pdf>

the respect of children's rights<sup>203</sup>. Thus, the TV services providers are required to use either sound or graphic visual symbols to warn what programs need Parenting Approval (AP), are of 12+, 15+ or 18+. In news programs, there is a rule inspired from the Code of Conduct when newscasters warn of images that might have a strong emotional impact and even urge parents to remove children from the room.

During 2021, the Audiovisual Council examined seven petitions concerning the protection of minors, and initiated one monitoring ex officio in the matter. As a result, four TV stations were fined for not respecting certain provisions concerning the protection of minors<sup>204</sup>. Since the beginning of year 2022, two TV stations have been fined for violent scenes in news programs that were not blurred as required by law<sup>205</sup>.

The Law on the special protection of children in risky situation and children separated from their parents<sup>206</sup> defines the best interests of the child as "ensuring adequate conditions for the harmonious growth and development of the child, taking into account the individual particularities of his personality and the concrete situation in which he finds himself".

The Law on the protection of children against the negative impact of information<sup>207</sup> contains some prohibitions applicable when reporting (in written press, TV or online) about minors, such as publishing personal data that allow their identification, including photos of children or videos that present them in the context of negative social phenomena, which allows their identification and if the information that is to be published offends the dignity of the identified child and/or harms his or her best interests.

**116. Are there any specific legal provisions concerning loot boxes and online gaming? Are there any measures to ensure that minors are not exposed to online gambling?**

There are no specific legal provisions concerning loot boxes and online gaming.

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<sup>203</sup> <http://www.audiovizual.md/files/D.99%20din%2019%20iulie%202012%20-%20Cu%20privire%20la%20respectarea%20drepturilor%20si%20protectia%20copilului%20in%20programele%20audiovizuale.pdf>

<sup>204</sup> <http://www.audiovizual.md/files/Raport%20de%20activitate%202021%20Consiliul%20Audiovizualului.pdf>  
<sup>205</sup> <http://www.audiovizual.md/files/Raport%20de%20activitate%20al%20Consiliului%20Audiovizualului%20al%20Republicii%20Moldova%20in%20trim.%20I%202022.pdf>

<sup>206</sup> [https://www.legis.md/cautare/getResults?doc\\_id=123160&lang=ro](https://www.legis.md/cautare/getResults?doc_id=123160&lang=ro)

<sup>207</sup> [https://www.legis.md/cautare/getResults?doc\\_id=106343&lang=ro](https://www.legis.md/cautare/getResults?doc_id=106343&lang=ro)

**117. Is there any self-regulatory system in place, which covers questions relating to age-rating for video games, such as the system of self-rating which has been announced by the Interactive Software Federation of Europe (ISFE)? If so, please give details.**

There are no specific national self-regulatory systems in place established in Moldova. However, Moldova uses the rating system of the Pan-European Game Information (PEGI), which was established to help European parents make informed decisions on buying computer games.

**118. What is the age of digital consent for the processing of children's data by information society services?**

For the time being, the Law No 133/2011 on personal data protection<sup>208</sup> does not lay down any conditions regarding the age at which children can give consent in relation to information society services. Thus, according to the definitions laid down in Article 3 of the mentioned law, the consent of the personal data subject is the manifestation of free, specific, informed and unambiguous will of the data subject by which he or she accepts, through a statement or an unambiguous action, that personal data concerning him or her are processed.

In accordance with provisions of Article 5 para. (3) of Law No. 133/2011 on personal data protection, in the case of adult or minor personal data subjects who are subject to the measures of judicial protection in the form of guardianship, consent to the processing of personal data shall be given, in written form, by the legal representative in the case of minors or by the guardian in the case of an adult.

At the same time, it should be noted that, according to Article 26 of the Civil Code<sup>209</sup>, full legal capacity begins on the date on which the natural person comes of age, i.e. on reaching the age of 18.

Art. 28 para. (1) of the same Code states that all legal acts for and on behalf of the minor until the age of 14 may be concluded only by the parent or legal representative, under the conditions provided by law. The conditions for the conclusion of legal acts by a minor who has reached the age of 14 are laid down in Article 27 of the Civil Code. Thus, according to this article, a minor who has reached the age of 14 years old shall conclude legal acts with the consent of the parent or legal representative, and in cases provided for by law, also with the consent of the guardianship authority.

A minor who has reached the age of 14 is entitled without the consent of the parent or legal representative to:

- receive a salary, scholarship or other income from his or her work;

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<sup>208</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129123&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129123&lang=ro)

<sup>209</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129081&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=129081&lang=ro#)

- exercise copyright on a scientific, literary or artistic work, an invention or other result of intellectual activity protected by law;
- make deposits in financial institutions and dispose of such deposits in accordance with the law;
- conclude: ordinary legal acts of small value which are executed at the time of their conclusion; legal acts of obtaining free of charge benefits which do not require notarial authentication or state registration of rights arising thereunder; acts of conservation.

For good reasons, the minor may be limited by the court in the rights mentioned above, at the request of the parents, the legal representative or the guardianship authority.

On this basis, the processing of the minor's personal data is lawful only with the consent given or authorized by the legal representative.

**119. Are there any specific legal provisions concerning processing of personal data of minors collected by media service providers? How is commercial communication targeted at children tackled?**

According to Article 5 para. (3) of Law No. 133/2011 on the personal data protection<sup>210</sup>, in case when an adult or minor is a personal data subject who is subject to the measure of judicial protection in the form of guardianship, the consent for the processing of personal data shall be given in written by his legal representative of the minor or by the guardian, in case of an adult. The same provisions shall apply to the processing of special categories of personal data.

Supplementary, Art. 16 para. (2) of Law No 133/2011 gives the right to the subject of personal data to object at any time, free of charge and without any justification, to the processing of data concerning him/her for the purpose of direct marketing. The controller or the processor is obliged to inform the person concerned about the right to object such operation before his personal data are to be disclosed to third parties.

At the same time, the Code of Audiovisual Media Services of the Republic of Moldova<sup>211</sup> establishes regulations on audiovisual commercial communications, in particular Article 64 provides requirements for the protection of minors.

<sup>210</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129123&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129123&lang=ro)

<sup>211</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130823&lang=ro](https://www.legis.md/cautare/getResults?doc_id=130823&lang=ro)

**120. Have any efforts been made, either by industry or public authorities, to establish an age verification system for users of online services?**

An age verification functionality is in place for electronic public services. This is done, at the authentication stage, through an on-line verification of the identity of the potential applicant with the data that is contained in the State Registry of Population.

**121. Is there any research conducted in the field on child online protection? How are priorities at national level defined?**

Since 2011, the International Centre La Strada conduct thematic researches in the field of child online protection, aimed to identify specific risks children from Moldova are exposed to, gaps in policies and to provide recommendations to address these:

- [Child Safety Online. Public Policies Research. How can the state response be improved in order to prevent and combat the online sexual abuse of children?](#) Chisinau 2020, International Centre La Strada Moldova
- [Child online safety in schools. Policies and practices in education](#), Chisinau 2020, International Centre La Strada Moldova
- [Research on the online experiences of children from the Republic of Moldova and the risks they are exposed to](#), Chisinau 2021, International Centre La Strada Moldova
- [A study on children's safety online in the Republic of Moldova](#), Chisinau 2014, International Centre La Strada Moldova
- [Children in the Republic of Moldova alone online? Safe online? A study on children's safety online](#), Chisinau 2011, International Centre La Strada Moldova.

The priorities for public policies are defined based on key findings of conducted research. The international methodology Global Kids Online have been imported, adapted and implemented for research purposes in Moldova.