

# **Assessment of the Moldovan legal and policy framework in relation to countering disinformation - focus on media legislation**

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## 1. List of Abbreviations

AC	Audiovisual Council (Moldova)
AVMS	Audiovisual Media Services
AVMSC	Audiovisual Media Services Code (Moldova)
AVMSD	Audiovisual Media Services Directive
CoE	Council of Europe
COM	Committee of Ministers (of the Council of Europe)
DSA	Digital Services Act
EBMS	European Board for Media Services (formerly the ERGA)
EEAS	European External Action Service
EC	European Commission
ECTT	European Convention on Transfrontier Television
EDAP	European Democracy Action Plan
EMFA	European Media Freedom Act
ERGA EBMS)	European Regulators Group for Audiovisual Media Services (now the
EU	European Union
OSCE	Organisation for Security and Cooperation in Europe
PACE	Parliamentary Assembly of the Council of Europe
UGC	User-generated content
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
VLOPS	Very large online platforms
VLOSES	Very large online search engines
VOD	Video-on-demand
VSPS	Video-sharing platform service

## 2. Executive Summary

The purpose of this report is to assess the legal and policy framework in Moldova relevant to countering disinformation and a key focus is on the framework for the media sector. However, reference is also made to relevant policies and institutions engaged in the broader fight against disinformation and foreign interference and manipulation of information. The approach to the study involved a focus on the media legislation and recent reviews of proposed amendments. In addition, a range of comparative European reports and also specific analyses of the situation regarding disinformation in Moldova were referenced.

Interviews were conducted with key experts representing relevant institutions including the Audiovisual Council (the national audiovisual media regulator) the relevant Parliamentary Committee and the newly established Centre for Strategic Communication and Combating Disinformation (StratCom). Further interviews were held with civil society organisations the Electronic Press Association and the Independent Journalism Center. The interviews were intended to provide a background to the study, an overview of the current situation, and also to outline the various activities and institutions involved in countering disinformation and the specific challenges they face.

The report first provides an overview of the context in Moldova with regard to disinformation which is complex due to a range of factors. There is a strong polarisation of opinions and beliefs among citizens, in particular regarding the future direction of the country with a division between those who wish to further integrate in Europe and those who believe that an alignment with Russia is better for the future of Moldova. The main source of disinformation in the country is Russia, and Moldovan actors and media owners aligned with Russia. As significant parts of the population (and also specific regions) are Russian-speaking and have access to Russian media, this makes it easier for such campaigns to have a strong influence. There are regions where there are still strong sentiments that link citizens to the soviet past and to Russia.

Evidence of this is well documented and disinformation campaigns are designed to take advantage of these differences and prey on the fears and concerns of citizens. The range of narratives that are repeated continuously are pro-Russian, anti-Ukrainian and negative regarding closer association with the European Union. According to one analysis, 'Russia has exploited historical ties and cultural affinities to sow discord, manipulate public opinion, and bolster pro-Russian sentiments in Moldova'.<sup>1</sup>

There are slightly differing opinions among experts as to whether the information threat from within is more problematic than the external threats. However, as in many other countries these problems are frequently connected with the external information manipulation feeding into internal disinformation channels.

Regarding media legislation, it is important to note that neither of the two key EU legislative texts the Audiovisual Media Services Directive (AVMSD) nor the European Media Freedom Act (EMFA) define or regulate disinformation. However, a complete alignment with both Acts is necessary in order to develop a media landscape that is open, transparent, independent, pluralistic and providing trustworthy information all of which are key in the fight against disinformation. The EMFA (in the recital) emphasises that 'quality media services are also an antidote against disinformation and foreign information manipulation and interference'. It is also important to note other ongoing key actions of the Audiovisual Council that support the overall pluralism and resilience of the media sector including the engagement in the Media Pluralism Monitor and the promotion of Media and Information Literacy.

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<sup>1</sup> European Resilience Initiative Centre (2024): David vs Goliath: Moldova's Fight Against Russian Disinformation. [Available here](#)

An overview is provided in the report of European (both Council of Europe and European Union concepts and definitions in this area) and also several national examples. It also emphasises that there is no legal definition at the EU level but rather a 'policy definition'. However, the definition of information has evolved and the analysis highlights the key elements that are necessary in definitions of disinformation.

The first course of action in the fight against disinformation has been to focus on 'audiovisual media' and the update of relevant media legislation. Also it was frequently considered (in draft laws) that the media regulatory authority should in the future be the body responsible for fighting against disinformation including in the online world including on news portals. This is partly based on the proliferation of online news portals, many of which do not adhere to the well-established standards of journalism. In addition, there are also many online media outlets that stream content according to a schedule and therefore qualify as audiovisual media services. It is also partly based on the extension of the scope of the Audiovisual Media Services Directive to what is defined as the video-sharing platform service (VSPS), whose definition incorporates a range of social media platforms.

However, the regulatory regime for VSPS is not the equivalent of that for audiovisual media services and in particular the older concepts of monitoring and sanctioning do not work in the online environment. Here the approach is intended to be co-regulatory with the VSPS having a range of obligations to put in place measures to protect people and particularly children from illegal and harmful content. This is also described as regulating the system rather than regulating the content. In addition, any attempt to monitor content presents an impossible task for the regulator. Hence, VSPS should have terms and conditions, complaints systems, work with trusted flaggers and also respond to authorities in relation to illegal content etc. The role of the media regulator is to assess the measures taken with regard to whether they are effective in achieving these protections. Both the Directive and the Digital Services Act (DSA) introduce the regulation of VSPS with the DSA enhancing some of these tools, while in both cases the aim is to regulate the system rather than the content. Content obligations on VSPS under the Directive address the protection of minors and also a range of illegal content, the DSA also refers to systemic risks of harmful content.

The second approach is the attempt to bring online media into the regulatory framework and again the responsibility for regulation is generally considered to be the work of the media regulator. The problem with online media outlets is that they have no particular need for a relationship with the regulator. Unlike the traditional media, they do not need licences to operate and they do not need access to frequencies. The traditional media needed licences to access frequencies and also to allow them to become part of cable, IPTV or satellite distribution services. None of this is necessary for the online media outlet that can be distributed without any application processes. Some countries require notifications and registrations but this is still difficult to implement in practice. In addition, as explained above, certain online media linear content already fall within the scope of the Audiovisual Media Services Directive including those distributing linear audiovisual content according to a schedule, video-on-demand services, and also any on-demand content that constitutes a separate part of the offer of online news and information media.

So while the Directive aims for a technology neutral regime and aims to level the playing field between linear and non-linear media, on the one hand the regulators have had very little power to regulate the many types of online media. While on the other hand, these types of online media have little incentive to knock on the doors of the regulator and sign up to a system of regulation. However, it is frequently considered appropriate that the audiovisual media regulator must now deal with the problems arising on all online media services.

The European Media Freedom Act introduces some tools intended to bring these media outlets into the regulatory regime. Firstly the scope of the EMFA is broader than the Directive

including audiovisual media, radio, audio podcasts and the press (including online) as ‘media services’. The EMFA introduces ‘common information requirements for media service providers’ to require disclosure of relevant information on their ownership and the advertising revenues received from public authorities or entities. The EMFA also requires that Member States should entrust national regulatory authorities or bodies, or other competent authorities and bodies with developing media ownership databases.

The next move of authorities is therefore to try to gather more information about online media – to fulfil this need for a media ownership database. Many media laws have tried to initiate the development of a wider register of media outlets and this is frequently supported by the many media outlets based online who do adhere to the relevant standards and wish to be officially recognised as media outlets. Here again the media regulator has neither ‘stick nor carrot’ in order to ensure that all media outlets are registered. In some countries it may already be the case that all media outlets have had to register with the relevant Ministry (or via a business registry) and that may help to solve the problem. Some legislation such as the proposed draft Law on Media in Moldova require mandatory registration for certain media outlets – in this case the press. Regarding the registration of media services, some concern was raised (in recent Council of Europe opinions) regarding the framework for registration which could impede media freedom and pluralism. Other approaches introduce voluntary registration which can lead to other benefits (the carrots) – access to funding via media pluralism funds, access to state advertising funds, or political advertising funds. Hence, this approach makes it attractive to be part of the system.

The recent (April 2025) proposed amendments to the Audiovisual Media Code would serve to align the legislation with the Audiovisual Media Services Directive (AVMS Directive). A law amending the Code was adopted in June 2025 but was not reviewed in this analysis. At the same time relevant changes were made to the Law on Advertising that aimed to more closely align with both the Directive and the European Media Freedom Act (EMFA). In addition, the Draft Media Law is intended (among others) to align with the EMFA and also to bring online media into the regulatory structure. It has been decided to defer finalisation of a new Media Law until after the elections in order to allow for a wider consultation. With reference to recent legal reviews of the proposed legislative changes (including by this author), the report looks at definitions and the distinctions between illegal and harmful content in both pieces of legislation and reiterates recommendations from the reviews. A main conclusion is that the recommendations from various reviews on the proposals should be taken into consideration in the final version of these laws. In addition, it was also recommended to ensure consistency and harmonisations between these laws. According to national experts the changes to the legislation that were finally adopted reflected the recommendations.

A summary of the work of the Audiovisual Council in countering disinformation is outlined and includes the various challenges facing the institution in dealing with disinformation. While the problems on traditional media were addressed via the work of the Council, ultimately the licences were suspended. During the state of emergency, this mechanism was implemented through decisions issued by the Commission for Exceptional Situations. After the state of emergency ended, several media organizations remained suspended.<sup>2</sup> According to experts, many of these media have moved online and continue to disseminate disinformation.

The proposed new Law on Media in Moldova will bring online media into the legal framework requiring registration and introducing rights and obligations. As noted above, certain online media already fall within the meaning of audiovisual media content under the Directive:

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<sup>2</sup> The main mechanism behind this process, is described here: <https://media-azi.md/asa-nu-audiovizualul-sub-suzeranitatea-unui-consiliu-responsabil-de-examinarea-investitiilor/>

online services that broadcast linear content according to a schedule; online services that provide video-on-demand via a catalogue with the possibility for the user to select the content to view; and online linear or on-demand content that constitutes a separate part of the offer of online news and information media where ‘the form and content of the audiovisual material is of self-standing character, independent of written articles.’<sup>3</sup>

Two types of illegal content are addressed in the Draft Law on Media with disinformation included under the category of ‘content that violates rights protected by law’ and not what is termed ‘manifestly illegal content.’ However, the procedure for ‘notice and take-down’ appears to be the same for both categories. There is a consistent reminder in legal reviews and analyses (including some recent reviews of proposed laws in Ukraine) that ‘notice and take-down’ procedures must be in line with the Digital Services Act (DSA).

The Digital Services Act (DSA) has been considered to be the next important piece of legislation that will help in the fight against disinformation. While alignment with the DSA is a requirement in the accession process for candidate countries, the DSA does not offer any magic solutions to the problem of disinformation. The DSA is a horizontal legislative tool that covers legislation relevant to a range of online services that is broader than just audiovisual content (such as consumer protection etc.). The Digital Services Act (DSA) applies to all online intermediaries and platforms in the EU, for example, online marketplaces, social networks, content sharing platforms, app stores, and online travel and accommodation platforms.

The proposals for a new Law on Media places the responsibility for online media service providers with the Audiovisual Council but as yet no obligations have been articulated for online platforms without editorial responsibility (i.e. online platforms covered in the DSA).

The DSA includes disinformation as a ‘systemic risk’ that the major platforms must identify and mitigate. It is linked to another ‘systemic risk’ namely the risk of ‘any actual or foreseeable negative effects on civic discourse and electoral processes, and public security.’ Hence, a brief overview of the DSA and its relevance in countering disinformation is outlined.

Among others, the DSA introduces a ‘crisis response mechanism’. This crisis response mechanism can only be launched by the European Commission. The Commission may initiate the drawing up of ‘crisis protocols’ for very large platforms for example when “online platforms are misused for the rapid spread of illegal content or disinformation or where the need arises for rapid dissemination of reliable information.” Hence large scale pan European disinformation problems may be addressed urgently via such mechanisms.

In discussions with the experts and in relation to information available on other countries, it is clear that the small countries (such as Moldova) included in the group of candidate countries for EU membership face many challenges trying to communicate their concerns with the large platforms (including the main social media platforms).

A report by the Council for Media Services in Slovakia in 2023 also highlighted the difficulties that small EU countries with minority languages face in trying to alert platforms regarding harmful or illegal content. They discovered at that time that there was just one Facebook-contracted fact-checker for Slovakia, thus highlighting the limited resources invested in small markets. In addition the level of responses to requests from the CMS flagging problematic content was slow and insufficient.<sup>4</sup>

Many national regulators (from candidate countries) are trying to build relationships with the platforms but also to foster relationships with some of the key bodies throughout Europe who

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<sup>3</sup> C-347/14 New Media Online GmbH v Bundeskommunikationssenat

<sup>4</sup> CMS (2023): The Bratislava Shooting – Report on the role of online platforms. [Available here](#)

will be responsible for regulating the large platforms such as the Digital Services Coordinator (media regulator) in Ireland and also the Ofcom in the UK who implement their own Online Safety Act (OSA).

On this issue, the European Parliament Resolution of 2024 'on strengthening Moldova's resilience against Russian interference ahead of the upcoming presidential elections and a constitutional referendum on EU integration' called on:

*'the Commission to assist the Moldovan Government in putting pressure on social media platforms to address disinformation effectively'.<sup>5</sup>*

The DSA does offer some useful tools for addressing the problems of illegal and harmful content. Key elements are the definitions and the distinctions between types of services, the need to establish an authority to implement the Act which could be an existing authority or could be shared between several bodies, and the need to establish clearly the legal framework for dealing with illegal content and with harmful content.

The report also provides an overview of the procedures for cooperation at the EU level regarding problematic, illegal and harmful content on services as elaborated under the AVMS Directive, the EMFA, the DSA and the E-Commerce Directive. In all cases it is necessary to contact the relevant authority in the jurisdiction of the service. However, several urgent procedures also apply.

With regard to the future of the DSA in Moldova, reference is made to a recent analysis completed for Soros that outlines gaps in the legislation regarding the implementation of the DSA. These gaps include a range of necessary definitions, an update regarding the obligations on platforms and the designation of one or more institutions as a Digital Services Coordinator. A useful tool in this regard could be a UNESCO publication due in mid-June 2025 which will present a road-map for alignment with the DSA in the Balkans.

In conversations with experts it was made clear that the creation of another specific entity in Moldova to implement the DSA would not be possible. The Soros report examined the possibility of the Centre for Strategic Communication and Combating Disinformation (StratCom) taking on this role or at least part of it. There are examples of countries where the implementation of the DSA is shared between different agencies. Even where the DSA is not directly a part of the national media regulatory authority, the media authority is still the body implementing any elements relevant to the AVMS Directive, audiovisual media and video-sharing platforms. The role of the Digital Services Coordinator is to coordinate between the relevant bodies.

The analysis here also emphasises the key importance of formal structures of cooperation between the range of institutions relevant for implementing the Digital Services Act and recommends that Moldova establish such a forum or network in line with best practice in Europe.

The risk of 'any actual or foreseeable negative effects on civic discourse and electoral processes, and public security' is also an issue addressed in the regulation of media and elections. The European Union, for the first time, recently introduced legislation in this area to promote the transparency and targeting of political advertising. The relevant provisions in the Moldovan Law on Advertising (and recent proposed amendments to this Law) and the Electoral Code are also assessed in relation to their alignment with this regulation. Reference is also made to the more general regulation of media and elections. Rules on media coverage of elections are quite strong but the rules do not yet incorporate online media and in particular the transparency of political advertising online.

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<sup>5</sup> European Parliament resolution on strengthening Moldova's resilience against Russian interference ahead of the upcoming presidential elections and a constitutional referendum on EU integration (2024/2821(RSP)). [Available here](#)

An overview of the various strategies and the work of institutions addressing the problems of disinformation and of foreign interference and manipulation of information at the European level and international level is also presented here. The key approaches regarding disinformation are outlined. This includes the actions required of platforms, and the strategies and activities of state institutions and civil society. Several national and regional initiatives are also highlighted.

For example a recent ‘Blueprint for Protection of Democracy from Information Threats’ was published by the Anti Disinformation Network for the Balkans. This provides some very useful insights for enhancing the approach to countering disinformation and includes recommendations to optimise time and resources, and to reinforce coordinated action at European, regional and national levels. In addition it strongly calls for more resources in the fight against information and suggests it is important for international donors to synchronize their budgets and their actions with regard to work on disinformation.

The UNESCO recently published ‘Guidelines for the Governance of Digital Platforms – safeguarding freedom of expression and access to information through a multistakeholder approach.’ This provides a very useful set of standards for review by the relevant institutions and authorities.

Regarding standards at the level of the Council of Europe, a Convention on Disinformation is forthcoming as announced by the Secretary General in May 2025, where he emphasised that:

*‘A convention on disinformation and foreign influence could be a common legal standard to regulate the platforms, challenge the business models, and protect the public space – for the sake of preserving democracy’<sup>6</sup>*

It is not clear when this Convention will be complete but it is understood that this is a high priority at the Council of Europe and may provide additional tools or enhancement of potential actions for the Council of Europe Member States.

In discussions with stakeholders and reviews of reports it is clear that Moldova is impacted by both external and internal actors and who create and publish disinformation. Internal actors include some online media outlets and also political actors, while the external work is clearly the manipulation of the information space by Russia. Opinions differ as to which element of disinformation is most problematic. However, these phenomena are largely linked. Foreign interference and manipulation involves more than spreading disinformation but this is a major element of FIMI. As noted already, in Moldova the external threats are also supported by internal actors. The establishment of StratCom and the Cyber Security Agency and the development of the National Security Strategy are key developments in this area. There is a need for formal cooperation between the various institutions in order to optimise the work.

A major challenge highlighted by the institutions who were interviewed in the course of this analysis concerns resources, status and expertise. It was interesting to note the high levels of support from different international organisations and donors, and from specific countries in this area. The exchange of experience with other similar European institutions and support in enhancing capacity is a key area that should be in the focus of both international institutions and also donor organisations. The EU also has an important role to play here. In this context, it is worth quoting the 2024 European Parliament Resolution where among others, it:

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<sup>6</sup> Council of Europe Newsroom (25 May 2025): Secretary General highlights Kazakhstan–Council of Europe cooperation as a pillar of regional and European stability. [See further here](#)

*Calls for the EU and its Member States to ensure that all necessary assistance is provided to the Republic of Moldova to strengthen its institutional mechanisms and its ability to respond to hybrid threats; calls for increased EU support for Moldova in countering disinformation, hybrid threats and cyberattacks; underlines that this should entail boosting Moldova's capacity to combat disinformation, strengthen its cybersecurity infrastructure and enhance resilience against external malign influences; emphasises the particular importance of countering false Russian narratives, while underscoring their malign interference in the Republic of Moldova and the ways in which they are used to justify Russia's war of aggression against Ukraine;<sup>7</sup>*

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<sup>7</sup> European Parliament (2024): European Parliament resolution on strengthening Moldova's resilience against Russian interference ahead of the upcoming presidential elections and a constitutional referendum on EU integration (2024/2821(RSP)). [Available here](#)

### 3. Introduction and context

This analysis assesses the legal and policy framework in Moldova with regard to addressing the problem of disinformation. The situation in Moldova with regard to disinformation and foreign interference and manipulation of information (and broader hybrid threats) has been well documented and is a problem that is widely recognised. In 2024 the European Parliament issued a Resolution in advance of the elections in Moldova, which outlined the following facts:

*B. whereas the Russian Federation has been using economic blackmail, provocation, disinformation, illegal funding of political parties, cyberattacks and other hybrid means to undermine the stability, sovereignty, constitutional order and democratic institutions of the Republic of Moldova; whereas Russia's subversive activities in Moldova seek to undermine popular support for the European path chosen by the people of Moldova and to incite destabilisation; whereas the active measures envisaged include establishing and promoting front organisations disguised as non-governmental organisations and 'cultural centres', disseminating online and offline disinformation, establishing strong pro-Russian political and societal constituencies and returning the Republic of Moldova to a state of dependency on Russian hydrocarbons;<sup>8</sup>*

In discussions with stakeholders, it was explained that the phenomenon of disinformation in Moldovan society has been an ongoing threat since the beginning of the conflict between Russia and Ukraine (from 2013). However, the key stakeholders did not realise the threat being posed by disinformation until 2020. According to the experts, there is massive foreign interference in Moldova regarding information but there are also many citizens in the country (according to polls) who support Putin and justify the war.

It is also widely agreed that disinformation campaigns involve two elements:

*'an external vector originating in Moscow, whose main line of effort is to influence the geopolitical preferences of Moldovan citizens to become less sympathetic to the West and more willing to accept a Moscow-centric view of the world; and an internal component, aiming to undermine the citizen's confidence in the government and in state institutions, conducted for the most part by internal actors with political motivations and control over a segment of the local media'.<sup>9</sup>*

As elsewhere, social media platforms are used to spread disinformation. False accounts are used to create and co-ordinate the spread of disinformation – giving the impression that these narratives and sentiments are widely supported. Disinformation is further enhanced via re-posts and comments. Bot-managed accounts are used to accelerate the spread of disinformation.

*The overarching objectives of disinformation attacks are to sow mistrust in the authorities, trigger fears and confusion, and amplify existing societal divisions that could be later operationalized for political gains.<sup>10</sup>*

The Moldovan context is specific for several reasons, not least the strong polarisation of opinions and beliefs among citizens. Research commissioned by the IWPR in 2023

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<sup>8</sup> European Parliament resolution of 9 October 2024 on strengthening Moldova's resilience against Russian interference ahead of the upcoming presidential elections and a constitutional referendum on EU integration (2024/2821(RSP)). [Available here](#)

<sup>9</sup> Euro-Atlantic Resilience Centre (2023): Strengthening the resilience of the Republic of Moldova to disinformation actions, a boost on its European path. [Available here](#)

<sup>10</sup> European Platform for Democratic Elections (2024): Moldova Policy Alert - Disinformation and Foreign Interference in Moldovan Elections. Petru Culeac. [Available here](#)

examined the different profiles of Moldovan citizens, their beliefs and their media use. These profiles (summarised here) include: Pro-Russians who tended to differentiate between a government's Western choice and the people's choice, who favoured the East; Pro-Western respondents who view Moldova's shift towards the West positively, seeing it as less risky than remaining under Russia's influence; and Neutral respondents who criticised Russia's actions in Ukraine, and while their attitudes towards Russia have hardened for similar reasons as pro-Western participants, they prefer that Moldova remain neutral to avoid further risks to the nation and its people.<sup>11</sup>

As significant parts of the population (and also specific regions) are Russian-speaking and have access to Russian media, this makes it easier for such campaigns to have a strong impact. In the autonomous region of Gagauzia there are still strong sentiments that link citizens to the soviet past and to Russia. It was also emphasised that these sentiments have been strengthened via long-standing propaganda campaigns.

*Russia is actively trying to exert control over Gagauzia in southern Moldova through Shor-style proxy political parties. Russia is using its playbook of fostering secessionism and territorial disputes inside its neighbours as a means of control and leverage, as has been done in Georgia and Ukraine. Shor's party has partially managed to take power in Gagauzia by securing the position of governor of the region and buying votes for and bribing the leadership of the people's assembly. The party is now trying to unite local communities by creating local resentment against Chişinău, among other things by accusing the government of imposing high gas prices on the region. This effort has not been successful, however, as there is local opposition to Shor.<sup>12</sup>*

Experts also explained that Moldova hosts many refugees from Ukraine. Many of these left to avoid the army and many are pro-Russian. They further interact with the local citizens and support the pro-Russian narratives. In an already divided society there are many additional factors of influence and it is impossible to measure or counteract this.

The discussions also highlighted that an important element is the role of the church. Priests have frequently travelled to Moscow and many are part of the Russian propaganda actions. Those who want to destabilise the country and hijack the European path have the tools to do so and the Church is one of these tools of influence.

*The Orthodox Church of Moldova, the most powerful by the number of parishes and parishioners under its authority, is part of the Russian Orthodox Church. Through the Church, Russia has been seeking to win the 'minds and hearts' of the parishioners, while amassing its political clout. The Church and pro-Russian politicians in Moldova have established the mutually beneficial relationship: the Church benefits from financial support, and politicians increase their visibility among citizens.<sup>13</sup>*

In January 2025, the European Parliament issued a Resolution on Russia's disinformation and historical falsification to justify its war of aggression against Ukraine. Among others, the Parliament:

*'12. Condemns Moscow's exploitation of Orthodox religion for geopolitical purposes, notably through the instrumentalisation of the Russian Orthodox Church (Moscow*

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<sup>11</sup> Institute for War and Peace Reporting (2004): Summary of Countering Disinformation Moldova (CDM) research.

<sup>12</sup> Russia's Hybrid War Against Moldova. SCEEUS Report No. , 2024. Fredrik Wesslau. [Available here](#)

<sup>13</sup> European Resilience Initiative Centre (2024): David vs Goliath: Moldova's Fight Against Russian Disinformation. By Adrian Mendoza Strilciuc. [Available here](#)

*Patriarchate) as a tool to influence and exert control over Orthodox populations in Ukraine, Georgia, Moldova, Serbia and other countries;*<sup>14</sup>

Russian disinformation campaigns focus on a range of narratives, which, among others, 'involve attacks on the democratic credentials of the government and the legitimacy of state institutions, and accusations that the government is pushing a foreign agenda.'<sup>15</sup> According to the experts, the following are the main narratives that are the focus of the disinformation campaigns:

- The first is to undermine economic stability with the relevant narratives being that 'the EU will worsen the financial situation', and that 'Russia is a more trusted partner'.
- The second aim is promoting cultural and religious intolerance. The church is a key actor in this process. The narratives here claim that the EU integration threatens Orthodox Christianity – that such churches would be closed or banned.
- The third goal is to undermine the legitimacy of pro-democratic politics. The main narratives are that 'the government is corrupt' and 'the government is unable to govern the country'.
- A fourth aim is to undermine efforts of Moldova to manage its defence with claims that the EU is dragging Moldova into war.
- Overall, with the FIMI actions, the Russian actors wish to restore Russian control over the country and block Moldova's integration into Western structures.

### 3.1. Methodology

The methodological approach to gathering information on the legal and policy context included online research, review of relevant reports, analyses and opinions, legal document analysis, and discussions with key stakeholders. The report presents an assessment of the current legislative framework in relation to the Audiovisual Media Services Directive (AVMSD)<sup>16</sup>, the Digital Services Act,<sup>17</sup> the European Media Freedom Act<sup>18</sup> and other EU and Council of Europe and UNESCO guidelines, recommendations and strategies in relation to countering disinformation. This includes an analysis of the Audiovisual Media Services Code and the most recent proposed amendments to the Code. Previous reviews, analyses and

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<sup>14</sup> European Parliament (2025): European Parliament resolution of 23 January 2025 on Russia's disinformation and historical falsification to justify its war of aggression against Ukraine (2024/2988(RSP)). [Available here](#)

<sup>15</sup> Russia's Hybrid War Against Moldova. SCEEUS Report No. , 2024. Fredrik Wesslau. [Available here](#)

<sup>16</sup> Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, as amended by DIRECTIVE (EU) 2018/1808.

<sup>17</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act). [Available here](#)

<sup>18</sup> Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act). [Available here](#)

opinions will be referenced in this context.<sup>19</sup> An overview of relevant provisions in the new draft Law on Media and changes to the Law on Advertising are also discussed. Reference is also made to the Electoral Code and other relevant regulations in the area of elections. There exists other legislation relevant to the work in countering both disinformation and FIMI, the analysis of which was not included in the scope of this project. However, several recent studies have been reviewed and referenced, in particular those that have examined the broader legal and policy framework.<sup>20</sup>

In order to have a more comprehensive picture of current actions in the area of countering disinformation, discussions took place with five key stakeholders from government, regulators and civil society. The aim was to highlight key concerns at the national level regarding disinformation. Stakeholder consultations were held with several key experts to provide an overview of: current actions on the ground and the extent to which the legal framework, policies and actions are supporting the resilience of the democracy and the citizens – regarding transparency of political advertising, media literacy and user empowerment,<sup>21</sup> content moderation, supporting quality journalism etc; including those of government and other agencies dealing with disinformation and particularly foreign interference in the information sphere. Interviews were held with representatives of the national media regulator- the Audiovisual Council, the Stratcom, a representative of the relevant Parliamentary Committee and two civil society organisations. A further aim of the interviews was to understand the obstacles and challenges for these organisations and to discuss cooperation between relevant bodies.

### 3.2. Structure of the report

The following chapter (4) examines relevant definitions and terms in the legal and policy frameworks at the EU and Council of Europe levels and in several Member States. This is followed by a discussion on definitions and characterisations of illegal and harmful content in Moldova. Each chapter includes a brief overview of key findings and recommendations. Media legislation at the EU level including the Audiovisual Media Services Directive and the European Media Freedom Act are discussed in chapter 5 and an overview of the current and proposed media legislation in Moldova is analysed. Chapter 6 looks at the Digital Service Act

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<sup>19</sup> OSCE (2021): Legal Analysis on the Law on Amendment of the Code of Audiovisual Media Services of the Republic of Moldova. Commissioned by the OSCE Representative on Freedom of the Media from Dr Joan Barata Mir;

CoE (2022): Opinion of the Directorate General Human Rights and Rule of Law Information Society and Action against Crime Directorate Information Society Department prepared on the basis of the expertise by: Eve Salomon and Tanja Kerševan Smokvina ON The alignment of the Audiovisual Media Services Code with European Standards concerning: National Regulatory Authorities (Audiovisual Council) & Public Media Services (Public Service Broadcaster) (2022);

CoE (2024): Review of the Amendments to the Audiovisual Media Code of Moldova. Prepared for the Council of Europe by Deirdre Kevin (2024).

Freedom House (2024): Legal Analysis: Assessment of Moldovan Audiovisual Legislation in relation to the Audiovisual Media Services Directive, European Media Freedom Act, Digital Services Act, and other relevant international standards. Prepared for Freedom House by Deirdre Kevin (2024).

CoE (2025): Review of amendments of the Audiovisual Media Code of Moldova, Law on Media and the new provisions of the Law on advertising. Prepared for the Council of Europe by Deirdre Kevin and Tanja Kersevan (March 2025).

<sup>20</sup> Institute for Public Policy (2023): Legal Needs and a Roadmap for the Republic of Moldova to effectively protect its people against propaganda, manipulation, disinformation: a study. Prepared by Andrei Richter;

Soros (2024): Digital services versus challenges in combating Foreign Information Manipulation and Interference (FIMI) in the Republic of Moldova: analysis and outlook. Study conducted for the Soros Foundation-Moldova by Ion Bunduchi and Olga Gututututui.

A. Richter (2025): Challenges in Responding to Foreign Propaganda While Preserving Freedom of the Media: The Case of Moldova. Journal of Romanian Studies, vol. 7, no. 1.

<sup>21</sup> See Cabrera Blázquez F.J., Cappello M., Talavera Milla J., Valais S., 'User empowerment against disinformation online', IRIS Plus, European Audiovisual Observatory, Strasbourg, September 2022.

which is a horizontal tool that supports a range of legislation including the AVMS Directive. The extent to which there are gaps in the legislative framework in Moldova to address online platforms is outlined, in particular with regard to the systemic risk of disinformation. Information on political processes and media coverage of elections and referenda have been highlighted as key areas where threats to the integrity of electoral processes have been identified. Chapter 7 looks at EU law and policy on elections and provides commentary on the relevant current and proposed legislation in Moldova. Chapter 8 provides an overview of European strategies and institutions dealing with disinformation and foreign interference and manipulation of information. The approach in Moldova to counteract disinformation is examined in chapter 9 with reference to the various institutions, their cooperation and the challenges they face. Finally, chapter 10 combines and summarises recommendations stemming from the analysis.

## 4. European definitions, terminology and classification of content

### 4.1. Distinctions between illegal and harmful content

It is important to distinguish between what constitutes illegal (including criminal) and harmful (non-illegal) content in European and national law. The Audiovisual Media Services Directive has a particular focus on illegal content under Article 6 which covers: incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter; public provocation to commit a terrorist offence; offences concerning child pornography; offences concerning racism and xenophobia.

The Directive also addresses harmful content in relation to minors: 'which may impair the physical, mental or moral development of minors' (Article 6a). In addition, the most harmful content - gratuitous violence and pornography, shall be subject to the strictest measures.

It is possible to derogate from the principle of freedom of reception and re-transmission where services 'manifestly, seriously and gravely infringe' these provisions. Derogation is also possible where content on a service 'prejudices or presents a serious and grave risk of prejudice to public health' (Article 3). In addition, a set of procedures are provided under the Directive where content prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence. The latter could potentially include content that may be illegal under European or national law.

On a lower level of harm (which does not fall under derogations) certain types of advertising are considered harmful. Some are prohibited: advertising for cigarettes and tobacco products for example. Others are identified as being harmful to children (advertising for alcohol, advertising for food that is high in fat, salt or sugar (HFSS foods) and their exposure to these should be reduced.

Article 28b outlines the obligations of video-sharing platforms, which includes 'programmes, user-generated videos and audiovisual commercial communications which may impair the physical, mental or moral development' of minors. It also requires that the general public be protected from programmes, user-generated videos and audiovisual commercial communications containing incitement to violence or hatred. Further content described as criminal offences include provocation to commit a terrorist offence, offences concerning child pornography, and offences concerning racism and xenophobia.

Chapter 6 below looks in more detail at the Digital Services Act (DSA). The DSA (Recital 12) explains what can be considered as 'illegal content' on the basis of relevant EU and national laws:

*The concept should be defined broadly to cover information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal – such as illegal hate speech, terrorist content and unlawful discriminatory content – or that the applicable rules make illegal in view of the fact that it relates to activities that are illegal. Examples include the sharing of images depicting child sexual abuse, the unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the sale of products or the provision of services in infringement of consumer protection law, the non-authorized use of copyright protected material, the illegal offer of accommodation services or the illegal sale of live animals.*

However, the DSA also deals with ‘harmful content’. In relation to the Very Large Online Platforms (the VLOPS) and Very Large Online Search Engines (VLOSES), the platforms are obliged to identify risks on their platforms and mitigate those risks. The risks include the distribution of illegal content, goods and services. Risk also includes: threats to fundamental rights; on civic discourse and electoral processes, and public security; risks related to gender-based violence, the protection of public health and minors and serious negative consequences to the person’s physical and mental well-being.

With regard to risks of negative effects ‘on civic discourse and electoral processes, and public security’, disinformation is an obvious risk in this area. It is important to recognise that ‘disinformation’ is not categorised in EU Law as being illegal, but as representing a systemic risk on online platforms (see more detail with regard to the Digital Services Act below under chapter 6).

An expansion of the concept of harmful content online has developed which relates to the protection of minors online and to the risk of ‘serious negative consequences to a person’s physical and mental well-being’ (which can include vulnerable persons). Examples of this include the Irish Online Safety Code, which includes harmful content such as gratuitous violence, self-harm or pro-suicide content, challenges on social media that could be dangerous for your health, content glamorising or promoting eating disorders, and cyberbullying.<sup>22</sup>

In the UK, the Online Safety Act identifies harmful content (in particular in the context of protection of minors) as including the following: pornography; content that encourages, promotes, or provides instructions for either self-harm or eating disorders or suicide; bullying, abusive or hateful content; content which depicts or encourages serious violence or injury; content which encourages dangerous stunts and challenges; and content which encourages the ingestion, inhalation or exposure to harmful substances.<sup>23</sup>

An important element of countering disinformation is ensuring that definitions are in line with international standards - in particular to avoid encroaching on legitimate freedom of expression.

Online media are often the sources of disinformation and/or hate speech, and several national legislative initiatives have attempted to address issues of ‘disinformation’ and or ‘false news’. A particular problem arises in attempts to regulate or legislate vague notions such as ‘disinformation’ or ‘false news’. Unfortunately, there have been a growing number of examples of national legislation that have attempted to do this and in all cases, the threats to freedom of expression have been emphasised in legal reviews by the Council of Europe and by the Venice Commission.<sup>24</sup> These examples highlight the complexity of trying to legislate in this area and the inevitable concerns and criticism that come not only from national stakeholders but also from international organisations with regard to potential threats to freedom of expression.<sup>25</sup>

A key issue raised in these reviews is that also emphasised in the Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda, stating that ‘general prohibitions on the dissemination of information based on vague and ambiguous

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<sup>22</sup> Link to Irish regulator page on Online Safety. [Available here](#)

<sup>23</sup> The UK Online safety Act explained: [Available here](#)

<sup>24</sup> See for example the Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe - On the draft amendments to the Penal Code regarding the provision on “false or misleading information” in Türkiye. [Available here](#)

<sup>25</sup> For a discussion on the challenges of defining disinformation, see: Ronan Ó Fathaigh, R, Helberger, N, and Appelman, N (2021): The perils of legally defining disinformation. Internet Policy Review Vol 10 (1). [Available here](#)

ideas, including ‘false news’ or ‘non-objective information’, are incompatible with international standards for restrictions on freedom of expression (...) and should be abolished.’<sup>26</sup>

At the same time, it is well acknowledged that disinformation campaigns carried out on a mass scale are being used to undermine elections, undermine democracy, spread hate speech and also war propaganda. It is important therefore to take note of the various types of disinformation and their potential impact. The table below provides an overview of relevant definitions.

Source	Concept and definition
Council of Europe definitions	<p>Disinformation - information that is false and deliberately created to harm a person, social group, organization or country</p> <p>Misinformation - information that is false, but not created with the intention of causing harm</p> <p>Malinformation - information that is based on reality, used to inflict harm on a person, organization or country</p>
EU definition of disinformation (2018 Communication from the “Tackling online disinformation: a European Approach”).”	<p>Disinformation is verifiably false or misleading information that, cumulatively, is created, presented and disseminated for economic gain or to intentionally deceive the public and that may cause public harm.</p> <p>Public harm includes threats to democratic processes as well as to public goods such as Union citizens’ health, environment or security. Disinformation does not include misleading advertising, reporting errors, satire and parody, or clearly identified partisan news and commentary.</p>
EU clarification on the types of disinformation (European Democracy Action Plan 2020, Strengthened Code of Practice on Disinformation 2022, Code of Conduct on Disinformation 2025)	<ul style="list-style-type: none"> <li>-misinformation is false or misleading content shared without harmful intent though the effects can still be harmful, e.g. when people share false information with friends and family in good faith;</li> <li>-disinformation is false or misleading content that is spread with an intention to deceive or secure economic or political gain and which may cause public harm;</li> <li>-information influence operation refers to coordinated efforts by either domestic or foreign actors to influence a target audience using a range of deceptive means, including suppressing independent information sources in combination with disinformation; and</li> <li>-foreign interference in the information space, often carried out as part of a broader hybrid operation, can be understood as coercive and deceptive efforts to disrupt the free formation and expression of individuals’ political will by a foreign state actor or its agents</li> </ul>

<sup>26</sup> Joint Declaration adopted by The United Nations, Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe Representative on Freedom of the Media, the Organization of American States Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights Special Rapporteur on Freedom of Expression and Access to Information. [Available here](#)

Source	Concept and definition
EU qualifications regarding the notion of disinformation	<p>The European Commission states that all actions taken to challenge Disinformation "should strictly respect freedom of expression and include safeguards that prevent their misuse, for example, the censoring of critical, satirical, dissenting, or shocking speech. They should also strictly respect the European Commission's commitment to an open, safe and reliable Internet" (cited in the 2022 Strengthened Code of Practice footnotes).</p> <p>The notion of 'Disinformation' does not include misleading advertising, reporting errors, satire and parody, or clearly identified partisan news and commentary, and is without prejudice to binding legal obligations, self-regulatory advertising codes, and standards regarding misleading advertising (cited in the Code of Conduct on Disinformation 2025).</p>
EU definition of Foreign Information Manipulation and Interference	Foreign Information Manipulation and Interference (FIMI) describes a mostly non-illegal pattern of behaviour that threatens or has the potential to negatively impact values, procedures and political processes. Such activity is manipulative in character, conducted in an intentional and coordinated manner, by state or non-state actors, including their proxies inside and outside of their own territory.

A key contribution from the Council of Europe to the development of a definition of 'disinformation' emerged in the 2017 study 'Information Disorder: Toward an interdisciplinary framework for research and policy making.'<sup>27</sup> It provided distinctions between 'Disinformation', 'Misinformation' and 'Malinformation', which are illustrated in the table above.

It is important to note that the EU definition emanates from a policy document – a Communication from the European Commission<sup>28</sup>, which has been referenced in the Codes of Practice, and that 'disinformation' is not defined in EU legislation. Disinformation is also referenced in the European Democracy Action Plan where an overview of types of disinformation are provided as it was deemed as 'important to distinguish between different phenomena that are commonly referred to as 'disinformation' to allow for the design of appropriate policy responses' (see table above).<sup>29</sup> This typology is repeated in the 2022 Strengthened Code of Practice on Disinformation (in the footnotes).<sup>30</sup>

Since February 2025, this Code of Practice is now a Code of Conduct under the Digital Services Act. The Code of Conduct on Disinformation seeks to combat disinformation through commitments made by online platforms, players in the advertising industry, fact-checkers, research and civil society organisations in areas such as demonetisation, political ads, fact-checking, user empowerment, etc.<sup>31</sup>

<sup>27</sup> Council of Europe (2017): Information disorder: Toward an interdisciplinary framework for research and policy making. Authors Claire Wardle & Hossein Derakhshan. [Available here](#)

<sup>28</sup> 2018 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and Committee of the Regions 'Tackling online disinformation: a European Approach.' [Available here](#)

<sup>29</sup> COM (2020) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Democracy Action Plan. [Available here](#)

<sup>30</sup> EU (2022): The Strengthened Code of Practice on Disinformation 2022. [Available here](#)

<sup>31</sup> Code of Conduct on Disinformation. [Available here](#)

As can be seen from the table, and particularly in relation to the EU definitions, notions of ‘disinformation’ continue to evolve. In 2018, it was described as information ‘disseminated for economic gain or to intentionally deceive the public and that may cause public harm’. By 2020, under the European Democracy Action Plan, this was extended to include ‘economic or political gain.’

It is also important to note that the Audiovisual Media Services Directive (AVMSD) does not mention the notion of ‘disinformation’. The Directive speaks of the possibility of derogation from freedom of reception where an audiovisual media service (among others) ‘prejudices or presents a serious and grave risk of prejudice to public health’, or ‘prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence’ (see Chapter 5).

The Digital Services Act (DSA) also does not define ‘disinformation’. The concept is referenced several times in the Recital. Under paragraph 9, it is explained that:

*‘This Regulation fully harmonises the rules applicable to intermediary services in the internal market with the objective of ensuring a safe, predictable and trusted online environment, addressing the dissemination of illegal content online and the societal risks that the dissemination of disinformation or other content may generate, and within which fundamental rights enshrined in the Charter are effectively protected and innovation is facilitated’.*

Also, the DSA does not include ‘disinformation’ under the category of illegal content. This is further confirmed under paragraph 84:

*‘When assessing the systemic risks identified in this Regulation, those providers should also focus on the information which is not illegal, but contributes to the systemic risks identified in this Regulation. Such providers should therefore pay particular attention on how their services are used to disseminate or amplify misleading or deceptive content, including disinformation’.*

Similarly, there is no definition of ‘disinformation’ in the European Media Freedom Act (EMFA). The Act references ‘disinformation’ several times in the recital and also under Article 19 with regard to structured dialogue between the European Board for Media Services (EBMS), the providers of very large online platforms, representatives of media service providers and representatives of civil society. The key challenge raised in the EMFA (recital paragraph 4) is the fact that:

*‘the good functioning of the internal market for media services is challenged by providers, including those controlled by certain third countries, that systematically engage in disinformation or information manipulation and interference, and use the internal market freedoms for abusive purposes, thus thwarting the proper functioning of market dynamics’.*

One important aim of the EMFA in this regard is also emphasised under paragraph 14:

*‘Quality media services are also an antidote against disinformation and foreign information manipulation and interference.’*

#### **4.1.1. Definitions and terminology in other countries**

In a 2020 review of policies and legislation in the EU Member States carried out by the European Regulators Group for Audiovisual Media Services (ERGA), it was shown that there was only one country at that time that had a legislative definition of ‘disinformation’. This appears in the Lithuanian Law on Provision of information to the public, and it is related to slanderous and offensive information related to a person – hence not reflecting the general

notion of ‘disinformation’ but rather that of ‘defamation’. The same report highlighted the fact that several countries have laws dealing with ‘false news’ or ‘false information’. Examples are provided from Malta and France where the actual definitions are closer in meaning to the notion of ‘disinformation.’ The report recommended that:

*3) Where disinformation is sought to be defined, common elements of a more unified approach to defining disinformation should be: (a) false or misleading information, (b) disseminated with a specific intention (malicious or bad faith) (c) and has the ability to cause certain public harms.<sup>32</sup>*

The report references legal provisions that target false information during elections. In France, under the 2018 Law on the fight against the manipulation of information, in reference to information that is deliberately, artificially or in an automated and massive manner disseminated online: ‘the law provides that during the three months prior to an election, a judge may order, as a matter of urgency (within 48 hours), any proportionate and necessary measures to stop the dissemination of ‘any allegation or charge of an inaccurate or misleading fact likely to alter the sincerity of the forthcoming vote, which are deliberately, artificially or in an automated and massive manner, disseminated through an online public communication service.’<sup>33</sup>

In 2020, the Lithuanian Parliament published a ‘Procedure for the coordination of strategic communication in the field of national security.’ This included a very detailed definition of ‘information threats.’

*Information threats include war propaganda, incitement to war and hatred, attempts to distort the historical memory, and the dissemination of other unfounded and misleading information that goes against the national security interests of the Republic of Lithuania. The aim of these threats is to foster distrust and dissatisfaction with the Lithuanian state and its institutions, the democratic system and national defence. They seek to amplify national and cultural divisions, weaken the national identity and citizenship, discredit Lithuania’s membership in NATO and the EU, undermine NATO’s capabilities and commitment to defend its allies, diminish our citizens’ resolve to defend their country, and influence the country’s democracy, electoral processes and political party system. Information activities are also directed at the public and policymakers in other EU and NATO member states, to encourage decisions unfavourable to the Republic of Lithuania.<sup>34</sup>*

This description of ‘information threats’ as elaborated by the authorities in Lithuania in 2020 are strikingly similar to the threats described by Moldovan experts and in the various reports and analyses.

It is worth noting that efforts to legislate disinformation are seldom found in media law but rather in additional specific laws and protocols, while in many countries ‘disinformation’ remains a policy term appearing in a range of strategies and other soft law.

In the Law of Ukraine on Media (which is discussed in more detail in the next chapter), no mention is made of disinformation and hence no definition is provided. The Law prohibits the distribution of a range of information ‘in the media and on video sharing platforms on the territory of Ukraine’ (Article 36). This includes (among others):

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<sup>32</sup> ERGA (2020): ‘Notions of Disinformation and Related Concepts.’ [Available here](#)

<sup>33</sup> ERGA (2020): ‘Notions of Disinformation and Related Concepts.’ [Available here](#)

<sup>34</sup> Cited in Eastern Europe Studies Centre (2024): ‘Fortifying Democracies: Lithuania’s Comprehensive Approach to Counter Disinformation and Propaganda’. By Dr Nerijus Maliukevičius. [Available here](#)

*'1) calls for violent change, overthrow of the constitutional order, unleashing or waging an aggressive war or military conflict, violation of the territorial integrity of Ukraine, elimination of Ukraine's independence, information that justifies or promotes such actions;..*

*12) information that contains propaganda of the Russian totalitarian regime, armed aggression of the Russian Federation as a terrorist state against Ukraine, as well as symbols of the military invasion of the Russian totalitarian regime, except as provided for by the Law of Ukraine "On Prohibition of Propaganda of the Russian Nazi Totalitarian Regime, Armed Aggression of the Russian Federation as a Terrorist State against Ukraine, Symbols of the Military Invasion of the Russian Nazi Totalitarian Regime in Ukraine";...*

*13) information that humiliates or disparages the state language;*

*14) information that denies or casts doubt on the existence of the Ukrainian people (nation) and/or Ukrainian statehood and/or Ukrainian language. <sup>35</sup>*

In addition, the Ukrainian law includes a definition of 'aggressor state (occupying state)' as: 'a state recognized by the Verkhovna Rada of Ukraine as an aggressor or occupying state;'

## **4.2. Definitions, terminology and categorisations of content under Moldovan law**

### **4.2.1. Definitions and terminology in media law**

The current Audiovisual Media Services Code in Moldova defines 'disinformation' as follows:

*'the intentional dissemination, by any means, in the public space, of information whose false or misleading nature can be verified, and which is likely to harm national security'.*

The latest proposals for Amendments (March/ April 2025) provided an updated version of the definition, which is much more closely aligned with the EU policy definition in the 2018 Communication on 'Tackling online disinformation: a European Approach' and includes the qualification of the types of information that are not included under the notion of disinformation:

*'disinformation – information that is verifiably false or misleading, that is created, presented and disseminated for economic gain or to deliberately mislead the public, and that may cause public harm. Public harm includes threats to democratic political and policy-making processes, as well as threats to public goods such as the protection of citizens' health, the environment or security. Disinformation does not include reporting errors, satire and parody, or partisan news and commentary clearly identified as such.'*

It was noted in a recent (March 2025) review of the proposed changes to the legislation that the proposed new Law on Media lacked a definition of 'disinformation' and it was recommended to align this with the definition in the AVMS Code.<sup>36</sup>

The AVMS Code also provides a definition of information security:

*'information security - the state of protection of information resources, the person, society and the state, including the presence of a set of measures to ensure the*

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<sup>35</sup> Law of Ukraine on Media

<sup>36</sup> Kevin and Kersevan (March 2025).

*protection of the person, society and the state from possible attempts of disinformation and/or manipulative information from inside and/or outside the country and to prevent media aggression against the Republic of Moldova;'*

In its Opinion of 2020 on Amendments to the Audiovisual Media Services Code, the Venice Commission, recommended that this term be replaced with the term 'national security'.<sup>37</sup> This definition of 'information security' could perhaps be replaced with something similar to the Lithuanian definition of 'information threats' outlined above, although that is a 'procedural' rather than a legal definition. Another useful concept is that of 'information integrity' referenced in relation to the European Democracy Shield, although this is not clearly defined but refers to a 'a safely navigable information sphere with access to trustworthy information for all' and the various actions needed to achieve this.<sup>38</sup>

The Venice Commission also noted several other terms in the Law that it believed should be more clearly defined and these have not yet been clarified: "propaganda of military aggression", "extremist content", "content of a terrorist nature" and "information security".<sup>39</sup>

In the draft Law on Media, two types of illegal content are mentioned: content that violates rights protected by law; and manifestly illegal content. These are defined as follows:

*content that violates rights protected by law – media content that is contrary to legal norms, including violation of fundamental human rights, copyright, the right to privacy, the protection of dignity, minors and personal data, as well as incitement to hatred, violence, discrimination or the spread of disinformation. This content may include incitement to hatred or violence or that spreads discrimination, intolerance, hatred or violence based on race, color, national, ethnic and social origin, social status, citizenship, language, religion or belief, age, sex, gender identity, marital status, sexual orientation, disability, health status, HIV status, opinion, political affiliation, wealth, birth or any other criterion;*

*manifestly illegal content – media content that endangers national security, incites the violent overthrow of the constitutional order of the state, incites military aggression or armed conflict, or content the dissemination of which constitutes an illegal activity, including public provocation to commit a terrorist offense, offenses related to child pornography, and offenses of a racist and xenophobic nature;*

Here disinformation is included under content that 'violates rights protected by law', implying that it is at least 'unlawful'. It could be argued that 'incitement to hatred, violence, discrimination', and 'content may include incitement to hatred or violence or that spreads discrimination, intolerance, hatred or violence based' on a range of characteristics should more appropriately be included under the definition of 'manifestly illegal content'. The approach to these types of content are further addressed below.

#### **4.2.2. Distinguishing between illegal and harmful content**

There still remains a necessity in the law to provide a clearer distinction between illegal and harmful content in the AVMS Code and the proposed Law on Media. In the Code, illegal content, as content that should be prohibited, is addressed under Article 11. Following this,

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<sup>37</sup> European Commission For Democracy Through Law (Venice Commission) - Republic Of Moldova – Opinion on Amendments to the Audiovisual Media Services Code and to some Normative Acts including the Ban on Symbols Associated with and used in Military Aggression Actions. Adopted by the Venice Commission (Venice, October 2022).

<sup>38</sup> EPRS | European Parliamentary Research Service (2024): Information integrity online and the European democracy shield. [Available here](#)

<sup>39</sup> Venice Commission Opinion (as above).

Article 17 also references content under the title of ‘Protection of the National Audiovisual Space’. Alongside illegal content, this Article (under the proposed amendments) now also includes ‘disinformation.’

The new proposed Article 17 (1) introduces the important principle of freedom of reception and retransmission and the possibility of derogations from that principle. This represents a further alignment with the Directive in relation to derogations from this freedom (and replaces the provision blocking news and information content from countries who had not ratified the European Convention on Transfrontier Television (ECTT)).<sup>40</sup>

Including ‘disinformation’ as a type of content that qualifies under the derogation of freedom of reception and re-transmission is not strictly in line with the Audiovisual Media Services Directive. The Directive allows for a derogation where content on an audiovisual media service ‘prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence’. However, in its analysis of the Law, the Venice Commission stated that:

*In the light of the case-law of the ECtHR, the provisions of Article 17, paragraphs 3 and 4(b) can be seen as necessary and proportionate, especially since there is a pressing social need in the Republic of Moldova at this moment to combat propaganda, disinformation and other threats countering the fundamental values of the ECHR.*<sup>41</sup>

Distinctions are also needed regarding illegal and harmful content when developing regulation to address such content on video-sharing platforms. Certain content addressed under both the AVMS Directive and the Digital Services Act is illegal under EU law and also under national laws (see above). As noted above, the Digital Services Act (Recital 12) explains what can be considered as ‘illegal content’ on the basis of relevant EU and national laws. It does not explicitly mention disinformation in this context. However, in the Moldovan context, as highlighted by the Venice Commission, disinformation can be included with propaganda and other threats that counter the fundamental values of the European Convention on Human Rights.

Key findings and recommendations
<p>The main legislative acts of the EU – the Audiovisual Media Services Directive and the European Media Freedom Act - do not regulate or define 'disinformation'.</p> <p>The DSA also does not define 'disinformation' and does not list it as illegal content but includes it under the category of 'systemic risks' on platforms. The proposal for a definition of 'disinformation' in the AVMSC is well aligned with the policy definition of the EU. The recent review of the overall package of proposed changes to media legislation recommended that the same definition be included in the Law on Media.</p>
<p>Recommendations from the Council of Europe and other Expert Opinions regarding definitions in the AVMSC should be adjusted in line with the EU acquis as outlined above. Definitions in the new Media Law should also be harmonised.</p>
<p>There remain some other definitions that need to be clarified according to the Venice Commission Opinion including “propaganda of military aggression”, “extremist content”, “content of a terrorist nature” and “information security”</p>
<p>Some potentially useful definitions and concepts are discussed in the text which may also be helpful for adoption in policy documents including the Lithuanian definition of ‘information threats.’</p>

<sup>40</sup> European Convention on Transfrontier Television. [Available here](#)

<sup>41</sup> Venice Commission Opinion (as above).

## 5. Media legislation – the AVMS Directive and the European Media Freedom Act (EMFA)

The AVMS Directive, as noted above, does not mention or define ‘disinformation’ but provides a clear overview of a range of illegal and harmful (but not illegal) content. The European Media Freedom Act mentions disinformation several times in the recital (without a definition).

However, there are a range of ways in which both legislative acts provide a broader framework necessary for the fight against disinformation. These include (in total from both legislative acts) transparency of ownership, transparency of financing of media outlets in relation to state advertising, the promotion of media pluralism, the strengthening of the independence of public service media, the protection of journalists and the support of editorial independence of media outlets (among others). Hence, it is important that these legislative acts are fully incorporated into the national legislative framework in order to develop a media landscape that is open, transparent, independent, pluralistic and providing trustworthy information.

### 5.1. The Audiovisual Media Services Directive and illegal and harmful content

The AVMS Directive outlines its objectives (article 30 (2)) as promoting media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, the proper functioning of the internal market and the promotion of fair competition. The Directive has also introduced transparency requirements for services. Article 5 requires that all audiovisual media services provide ‘directly and permanently accessible’ information on their name, geographical address, email, websites (for direct and rapid contact). The EMFA has enhanced requirements for media ownership transparency (see further below).

Council of Europe standards in this area include the 2018 Recommendation on media pluralism and transparency of media ownership. This focused on the following five areas: 1) A favourable environment for freedom of expression and media freedom; 2) Media pluralism and diversity of media content; 3) Regulation of media ownership, control and concentration; 4) Transparency of media ownership, organisation and financing; and 5) Media literacy/ education.<sup>42</sup>

Another tool for countering disinformation is the broader support for media pluralism. Under the Directive, it is permitted to take measures to ensure the appropriate prominence of audiovisual media services of general interest (Article 7a), i.e. ‘must-carry’, ‘must-find’ or other prominence rules. This recognises the right to require prominence of certain types of media such as public service media on Electronic Programme Guides in order to support the citizens’ right to access to information of public interest. The AVMS Directive also requires distribution and prominence of European works and supports the independent production sector as a further measure to support media pluralism.

Regarding illegal and harmful content, the AVMS Directive allows for derogations from the principle of freedom of reception and retransmission for grounds that include where an audiovisual media service provided by a media service provider under the jurisdiction of another Member State prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence (see Article 3(3)).

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<sup>42</sup> Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on media pluralism and transparency of media ownership. [Available here](#)

Specific procedures are outlined in the Directive involving cooperation between regulators and these have been enhanced via the recently adopted European Media Freedom Act (see further below).

The possibility to block content from third countries has mainly been tested in relation to case law emanating from the Baltic States. A key legislative act is the European Union Council Regulation of March 2022 that introduced:

*‘restrictive measures in view of Russia’s actions destabilizing the situation in Ukraine’ given life to the concept of services that prejudice or present a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence. In the Regulation, reference was made to the ‘massive propaganda and disinformation’ of the Russian media outlets in relation to ‘this outrageous attack on a free and independent country.’<sup>43</sup>*

Derogations from the principle of freedom of reception and retransmission also apply to a range of harmful but not illegal content. This refers to content that is harmful to minors, whereby Member States may derogate from these freedoms where audiovisual media services do not take appropriate measures to protect children from viewing content that may impair the physical, mental or moral development of minors (Article 6a1 of the AVMSD).

The AVMS Directive prohibits content on Video-Sharing Platform Services (VSPS)s that constitutes an activity which is a criminal offence - namely public provocation to commit a terrorist offence, offences concerning child pornography, and offences concerning racism and xenophobia, and content containing incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter; (Article 28b).

VSPS are also required to protect children from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development (harmful content). The Directive requires that VSPS take appropriate measures to protect the public from such content and lists a range of such measures. The role of the regulator includes the assessment of the measures taken.

As will be further discussed below (chapter 6), the Digital Services Act (DSA) expands on the requirements of online platforms including VSPS and elaborates further on the concepts of ‘harmful content’. The DSA provides additional tools that can be used to implement the Directive including more detail on the types of measures that should be taken by video-sharing platforms.

## 5.2. European Media Freedom Act

The EMFA covers two main overarching themes: the rights and duties of media service providers (Chapter II of the EMFA); and the framework for regulatory cooperation and a well-functioning internal market for media services (Chapter III of the EMFA).

In summary, the Act aims to:

*Protect editorial independence; Protect journalistic sources, including against the use of spyware; Ensure the independent functioning of public service media; Enhance transparency of media ownership; Safeguard media against unjustified online content removal by very large online platforms; Introduce a right of customisation of the media offer on devices and interfaces; Guarantee transparency in state advertising for media service providers and online platforms; Ensure Member States provide an*

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<sup>43</sup> Council Regulation (EU) 2022/394 of 9 March 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine. [Available here](#)

*assessment of the impact of key media market concentrations on media pluralism and editorial independence; Boost transparency in audience measurement for media service providers and advertisers.* <sup>44</sup>

### **5.2.1. The role of EMFA in enhancing media pluralism and quality journalism**

As discussed above, there are several ways in which the European Media Freedom Act supports the fight against disinformation. In support of fighting disinformation and harmful content, the EMFA promotes the right to receive a plurality of news and current affairs produced with respect for editorial freedom. Article 3 enshrines a right of the:

*'recipients of media services in the Union shall have the right to receive a plurality of news and current affairs content, produced with respect for editorial freedom of media service providers, to the benefit of the public discourse and plurality of news and current affairs content.'*

Article 4 also supports quality journalism via the protection of journalists. Also the EMFA provisions on transparency of ownership, which should support the identification of who owns and who controls media outlets have been enhanced under Article 6 (paras b and c), whereby media service providers must publish:

*(b) the name or names of their direct or indirect owner or owners with shareholdings enabling them to exercise influence on the operation and strategic decision making, including direct or indirect ownership by a state or by a public authority or entity; (c) the name or names of their beneficial owner or owners as defined in Article 3, point (6), of Directive (EU) 2015/849;*

The EMFA also introduces requirements regarding transparency of financing of media service providers. This applies in particular to state advertising (Article 25), where the provisions require that the distribution of such funds be carried out in a transparent, objective, proportionate and non-discriminatory manner and that both public authorities and media service providers must publish details on public funds allocated and received.

The EMFA has also introduced protections for content from media service providers publishing on very large online platforms (Article 18) which aims to safeguard media pluralism and ensure the citizens have access to information of public interest and quality journalism. A specific procedure is introduced regarding the removal of content placed by media service providers, which can show that they are editorially independent media services adhering to established regulatory standards.

First, these services need to be recognised as such and need to complete a formula that indicates their jurisdiction, relevant regulator and statement of compliance with editorial standards. The platform should not remove content from these services without prior notification to the service.

Supporting editorial independence and quality journalism is a fundamental aim of the EMFA. Under paragraph 14 of the Recital, it is emphasised that 'News and current affairs content has the potential to play a major role in shaping public opinion and has a direct impact on democratic participation and societal well-being.' Furthermore, the recital also emphasises that:

*'Quality media services are also an antidote against disinformation and foreign information manipulation and interference. Access to such services should also be ensured by preventing attempts to silence journalists, ranging from threats and harassment to censorship and cancelling of dissenting opinions, which could limit the*

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<sup>44</sup> [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/protecting-democracy/european-media-freedom-act\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/protecting-democracy/european-media-freedom-act_en)

*free flow of information into the public sphere by reducing the quality and plurality of information.'*

The EMFA also introduces provisions requiring Member States to strengthen the institutional autonomy of public service media providers. Article 5 of the EMFA deals with safeguards for the independent functioning of public service media providers (PSMPs). The Article focuses on the following: the editorial and functional independence of PSMPs; procedures for the appointment and the dismissal of the head of management or the members of the management board; funding procedures for public service media providers. The key role that public service media plays in countering disinformation was also addressed in the Resolution 2255 (2019) of the Parliamentary Assembly of the Council of Europe (PACE) on 'Public service media in the context of disinformation and propaganda'. The Resolution (among others) states that member states should:

*'guarantee editorial independence, as well as sufficient and stable funding, for public service media, to ensure that they are capable of producing accurate, reliable news and information and ensuring quality journalism deserving the trust of the public'.<sup>45</sup>*

In the context of media mergers at the national level, the EMFA introduces the requirement that Member states establish: 'substantive and procedural rules which allow for an assessment of media market concentrations that could have a significant impact on media pluralism and editorial independence' under Article 22. Among others, these procedures should: 'designate the national regulatory authorities or bodies as the ones responsible for the assessment or ensure that they are substantively involved in the assessment'.

The European Media Services Board will also organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to foster access to diverse offerings of independent media on very large online platforms, discuss experience and best practices related to the application of the relevant provisions of this Regulation, including as regards the moderation processes by very large online platforms, and to monitor adherence to self-regulatory initiatives aimed at protecting users from harmful content, including those which aim to counter disinformation (Recital 56).

### **5.2.2. The scope of EMFA and implementation**

The EMFA introduces a definition of 'media services', which is broader than the definition of 'audiovisual media services' and incorporates also radio, audio podcasts and press publications.

*(1) 'media service' means a service as defined by Articles 56 and 57 TFEU, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications, under the editorial responsibility of a media service provider, to the general public, by any means, in order to inform, entertain or educate;*

The definition excludes user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration be it of a financial or other nature.

As regards implementation, the EMFA is divided into several sections. The Chapter III – 'Framework for Regulatory Cooperation and a Well-Functioning Internal Market for Media Services' specifically states that 'national regulatory authorities or bodies shall ensure, where

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<sup>45</sup> Resolution 2255 (2019) of the Parliamentary Assembly on 'Public service media in the context of disinformation and propaganda' [Available here](#)

applicable by consulting or coordinating with other relevant authorities or bodies or, where relevant, self-regulatory bodies in their Member States, that this Chapter is applied’.

This implies that the earlier Chapter ‘Rights and duties of media service providers and recipients of media services’ is not specifically in the remit of national regulatory authorities to implement. The rights are addressed to the Member States, while the duties are addressed to the media services. Regulatory authorities are mentioned with regard to the requirement that either they or other competent authorities or bodies will be designated to develop national media ownership databases.

Reference is also made to ‘one or more independent authorities or bodies’ who will monitor the application of safeguards for the independent functioning of public service media providers. Hence, depending on the decisions of Member States and the update of the relevant legislation the national regulatory authorities may or may not be involved in additional implementation of the EMFA. The recital also emphasises that ‘Where the Board deals with matters beyond the audiovisual media sector, it should rely on an effective consultation mechanism involving stakeholders from the relevant media sectors active both at Union and national level. Such stakeholders could include press councils, journalistic associations, trade unions and business associations (40).

### **5.3. Moldovan audiovisual media legislation**

The following provides an overview of the relevant media legislation (current and proposed) and the relevant provisions regarding countering disinformation.

#### **5.3.1. Audiovisual Media code**

The Audiovisual Media Code is the key legislation covering the audio and audiovisual media sector in Moldova and the main piece of legislation that implements the Audiovisual Media Services Directive. In the past, the Law on Advertising was the main source of provisions from the Directive related to audiovisual commercial communications. Following a recent review of the Law on Advertising, it was noted that the majority of provisions in the AVMSD are now incorporated into the AVMS Code of Moldova. Several key provisions concerning identification and content of advertising are present in both pieces of legislation. The review recommended, for the sake of consistency, that the Law on Advertising reflect the role of the Audiovisual Council in the regulation of audiovisual commercial communications on video-sharing platform services (VSPS).<sup>46</sup>

The Code has recently undergone several amendments and further proposed amendments await finalisation before being adopted by Parliament (status May 2025). The previous amendments took place in 2022 where the controversial provisions on the dismissal of the governing bodies of both the audiovisual media regulator and the public service media were introduced.<sup>47</sup> The proposed amendments (2025) will remove these following a range of criticism in various legal opinions and analyses. Amendments in 2023 introduced the notion of ‘disinformation’,<sup>48</sup> and this is updated in the proposed amendments to more closely align with the EU policy definition.

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<sup>46</sup> Kevin and Kersevan (March 2025).

<sup>47</sup> On November 3, 2022, Law No. 303 was passed and published in the Official Gazette (MO363–373/18.11.22, Article 688), entering into force on November 18, 2022. [Available here](#)

<sup>48</sup> A subsequent modification followed on July 31, 2023, via Law No. 248 (MO306–309/11.08.23, Article 555), effective as of September 11, 2023. [Available here](#)

Hence, the Code is moving towards a much closer alignment with the Audiovisual Media Services Directive (AVMSD) and now includes provisions on video-sharing platforms. One of the key proposals for the amendments to the media legislative framework concerns the regulation of online platforms, specifically video-sharing platform services (VSPS), which will be subject to clearer obligations regarding harmful content, advertising standards, and the protection of minors. The proposed amendments establish a legal framework for content moderation and introduce a new responsibility of the Audiovisual Council to develop and implement a system for designating 'trusted notifiers' to flag illegal content.

Article 61<sup>1</sup> addresses the obligations of VSPS. Paragraph (11) states that: 'if the content of a video-sharing platform infringes the provisions of this article, the Audiovisual Council shall require the video-sharing platform providers, within 24 hours of identifying the infringement, to remove the illegal content or block access to it or display a warning to users when accessing this content or deactivate the user's account for a period of 3 to 12 months. The provider shall be obliged to take the appropriate measures within the period indicated in the notification to the Audiovisual Council.'

However, this provision does not clearly indicate which types of content qualify as illegal and what is harmful and what are the required actions in relation to each. It was recommended that this be clarified and that notice and take down procedures should follow the provisions of the Digital Services Act.<sup>49</sup>

For example, the DSA (under Recital 87) speaks of timelines to reactions to illegal content:

*In this regard, for example, the Code of conduct on countering illegal hate speech online of 2016 sets a benchmark to process valid notifications for removal of illegal hate speech in less than 24 hours. Providers of very large online platforms, in particular those primarily used for the dissemination to the public of pornographic content, should diligently meet all their obligations under this Regulation in respect of illegal content constituting cyber violence, including illegal pornographic content, especially with regard to ensuring that victims can effectively exercise their rights in relation to content representing non-consensual sharing of intimate or manipulated material through the rapid processing of notices and removal of such content without undue delay. Other types of illegal content may require longer or shorter timelines for processing of notices, which will depend on the facts, circumstances and types of illegal content at hand.*

In the context of the specific 'notice and take-down' decisions it uses the term 'without undue delay'.

The latest draft of amendments expands the scope of the Code to online media. It is important to note that the concept of audiovisual media services in the Directive includes broadcasts of services regardless of the mode of distribution. Hence, online only TV channels (linear audiovisual media services) provided by a media service provider 'for simultaneous viewing of programmes on the basis of a programme schedule that provide' are automatically in the scope of the Directive'.

With regard to services that do not fall under the scope of the law (under the proposed Article 2 (3 e)) mentions the exclusion of online news sites in the scope of the AVMS Directive with the exception of where they provide a separate section delivering video content that can be qualified as audiovisual media services, audiovisual programmes or non-linear audiovisual media services (on demand).

Article 17 addresses the 'protection of the audiovisual space', and paragraph 3 which was added in the 2022 amendments states that:

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<sup>49</sup> Kevin and Kersevan (March 2025).

*(3) The broadcasting of audiovisual programmes that constitute hate speech, disinformation, propaganda of military aggression, extremist content, content of a terrorist nature or content that poses a threat to national security is prohibited in the national audiovisual area.*

Another important provision is Article 13 on Ensuring accurate information, which was considered in the recent legal reviews to be highly prescriptive. However, it was clarified that this was the main tool for dealing with disinformation dissemination on media outlets. Also it was agreed that this provision may be reduced with an additional by-law developed in consultation with stakeholders to elaborate on details and guidance. In addition, as highlighted by Richter (2025) in his analysis this provision was affirmed by the European Court of Human Rights in its judgement on the NIT case.<sup>50</sup>

Regarding public service media, it was previously recommended that the legal framework should have a stronger support for the independence and institutional autonomy of public service broadcasters.<sup>51</sup> Article 34 of the current Audiovisual Media Code addresses the editorial independence of PSBs, particularly in relation to ‘Interference by public authorities, parties and other socio-political organisations, trade unions, commercial and economic organisations or interest groups’. Article 34 (4) states that the ‘management and supervisory bodies of the public media service provider are obliged to ensure editorial independence, institutional autonomy and creative freedom of employees within the institution’. However, the Code does not place such an obligation on the State or the Government with regard to the institutional independence and autonomy of PSBs. In the proposed amendments to the AMS Code, the following provision is included:

*(1) The editorial independence and institutional autonomy of public media service providers is guaranteed by law. Interference by public authorities, parties and other socio-political organisations, trade unions, commercial and economic organisations or interest groups is prohibited.*

This applies also to public service media at the local level, which is important given the particular challenges in Moldova (see further below under 5.3.2). It would be advised to ensure that all provisions relevant to the independence of public service media are also clearly applied to local public service media.

It is also important to note other key actions of the Audiovisual Council that support the overall pluralism and resilience of the media sector including the engagement in the Media Pluralism Monitor and the promotion of Media and Information Literacy.

### **5.3.2. Implementing the AVMS Code – Experiences and challenges**

Following the inclusion of ‘disinformation’ in the Audiovisual Media Services Code, the Audiovisual Council developed a methodology for assessing disinformation. This was developed with the assistance of Rasto Kuzel, (Memo 89, Slovakia), the International Organization of Francophonie (Information Disorder programme) and media lawyer Igor Rozkladaj (Ukraine).

The sanctions in the Law for audiovisual media services for broadcasting disinformation were quite high (2000 Euros for 1<sup>st</sup> offence, 3500 euros for second offence and a possibility for suspension of license on the third offence). Therefore, it was deemed necessary to have

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<sup>50</sup> Richter, A (2025): Challenges in Responding to Foreign Propaganda While Preserving Freedom of the Media: The Case of Moldova. *Journal of Romanian Studies*, vol. 7, no. 1.

<sup>51</sup> Freedom House (2024): Expert Gap Analysis: Assessment Report of Moldovan Audiovisual Legislation in Relation to the European Media Freedom Act. Prepared for Freedom House by Deirdre Kevin

a clear methodology to assess disinformation and to safeguard freedom of expression. This was developed with the support of several national experts (add link and some comments here). Although there was some criticism at the national level that the Council were not using their powers regarding disinformation under the Law, the Council believed they should first have such a methodology. The methodology would also serve for audiovisual media service providers to understand precisely what was meant by 'disinformation'.

In terms of resources for this work, the Audiovisual Council has managed to increase the monitoring staff from 7-11. Having a clear methodology also ensured that all of the time would apply this consistently. The methodology involves three stages: 1) a preliminary examination of the petition; 2) a description of the context in which the case arose; 3) the application of evaluation criteria to determine whether or not the potential case constitutes disinformation and whether or not it is in breach of the AVMSC. A range of questions regarding the nature of the content is addressed by the responsible experts: to assess whether the content is disinformation (and provide contradicting evidence); to determine the intent of the messenger; and to ascertain if the information has harmed or is capable of harming national security.<sup>52</sup>

According to the regulator, the assessment of harm is challenging and required developing various indicators to assess this. Just one instance of sanctioning has occurred under this methodology but the methodology is used consistently to assess content where concerns arise. The case concerned the regional public broadcaster Găgăuziya Radio Televizionu (GRT). According to the experts, this station and its owner has financial backing from the Kremlin. The process in this case involved assessing seven different narratives with the conclusion that there was real intent to spread disinformation.

Other cases did not reach a conclusion of sanctioning. This is partly due to the high levels of the sanctions. As the content in question may not have covered all the elements outlined in the methodology, the level of fine may be seen as disproportionate.

The methodology was developed via a process of publication and public consultation with inputs from other relevant institutions. Similar methodologies have been developed for assessing hate speech, developed with the support of the Council of Europe and also the subject of a public consultation. Both methodologies require content analysis. It is also the case that instances that involved inflammatory speech often do not reach the threshold for incitement to hatred. The Audiovisual Council also has methodologies on assessing media pluralism and on election monitoring.

Regarding non-linear services, the Council did not always have enough resources for monitoring. The law is currently focused only on the three areas of protection of minors, commercial communications and European Works. In order to be in line with EU Law, it is important that areas such as transparency (Impressum), the prohibition of illegal content (incitement to violence or hatred, public provocation to commit a terrorist offence), accessibility of content, also apply to non-linear media. However, the Audiovisual Council recently monitored, for the first time, the commercial communications on Canal 5, affiliated to Ilan Shor, a fugitive oligarch. This approach may also applied in the electoral context when it comes to electoral advertising.<sup>53</sup>

There are several instances where broadcasters in Moldova behave differently online in comparison to on their broadcast channels. Frequently, there are longer broadcasts of

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<sup>52</sup> See IRIS MERLIN 2023-10:1/28 [MD] Methodology for detecting disinformation approved by media regulator. By Andrei Richter, Comenius University (Bratislava). [Available here](#)

<sup>53</sup> <https://consiliuaudiovizual.md/wp-content/uploads/2025/06/D.102-din-28.05.2025-Cu-privire-la-rezultatele-controlului-efectuat-in-temeiul-Deciziei-Consiliului-Audiovizualului-nr.-62-din-02-aprilie-2025.pdf>

programmes or speeches where the content breaks rules that would be sanctioned on broadcast channels.

In relation to this, it is important to bear in mind that the revised Audiovisual Media Services Code reflects the fact that on-demand audiovisual media services (where the content is available on a catalogue at the users demand) should have the same content requirements as broadcast content (there remain minor differences regarding advertising, sponsorship and product placement). This was a key aim of the Audiovisual Media Services Directive.

The same applies to the streaming of content and channels on via services such as YouTube. As the Audiovisual Media Services Directive states in the recital:

*(3)...As such, channels or any other audiovisual services under the editorial responsibility of a provider can constitute audiovisual media services in themselves, even if they are offered on a video-sharing platform which is characterised by the absence of editorial responsibility. In such cases, it will fall to the providers with editorial responsibility to comply with Directive 2010/13/EU.*

In particular, the online content of licensed broadcasters is the most obvious example of content that is subject to the Audiovisual Media Services Directive. These services are not a separate 'online media' that are somehow not covered under the EU Directive, as the Directive covers audiovisual content 'irrespective of the technology used to deliver the content.'<sup>54</sup> Therefore, these services are already captured in the Audiovisual Media Services Code. The other key issue of importance is the editorial responsibility of the provider and this relates to both television (more specifically to linear services) and on-demand (non-linear services).

It was noted that some TV channels have also moved online with, among others, YouTube channels. As emphasised above, the AVMSD recital includes channels offered on video-sharing platforms such as YouTube. A further example concerns news and newspaper websites that also include video content. In this regard, case law of the European Court of Justice (the *New Media Online* case) has settled the issue of where content on news sites comes under the Audiovisual Media Services Directive.

The Court found that where publishers offer audiovisual material they may be covered by the Directive, provided that the principal purpose test is met. The Court noted that this applies where videos are offered by a publisher and are aimed at a mass audience and are likely to have a clear impact on the general public. These compete for the same audience as television broadcasts. Videos of short duration featuring news bulletins, sports and entertainment may therefore be considered as "programmes" within the meaning of the AVMSD. As regards, the principle purpose, this implies that the form and content of the audiovisual material is of self-standing character, independent of written articles.<sup>55</sup>

Hence, it may also need to be clarified in the Law that certain activities of online press also fall under the Audiovisual Media Services Directive.

A further example is an online TV channel based in Moscow that targets Moldova and the regulator raised questions as to what extent, they could deal with this channel in terms of jurisdictional issues.

The most influential platforms are TicToc, followed by YouTube. Telegram is less used but is the important entry point for toxic information which can then be spread to other platforms. X is not used that much in Moldova. A further challenge that was highlighted was that of

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<sup>54</sup> General Principles of the AVMSD. [Available here](#)

<sup>55</sup> Regarding Case C-347/14 'New Media Online' GmbH, see the EBU (2015) Case note on C-347/14 New Media Online GmbH v Bundeskommunikationssenat. Analysis [available here](#)

influencers and how they could or should be regulated. In a recent overview of national rules in this area, the European Audiovisual Observatory noted that the definition of ‘audiovisual media service’ encompasses activities commonly associated with the concept of “influencer”. definition allows for the regulation of certain influencers as AVMS providers and the possibility of subjecting them to the same obligations as traditional AVMS providers. Certain criteria may be laid on in guidance that relate to the ‘influence’ such as number of followers, amount of content (videos) published. The report includes reference to a range of guidelines and handbooks for good practices regarding influencer marketing. The report also noted that Member States may require influencers meeting the criteria of audiovisual media service providers to register with the NRA (14 countries).<sup>56</sup>

### 5.3.3. Draft Law on Media

A Draft Law on Media in Moldova has been developed for the first time, which aims to address the broader media sector and to align with the European Media Freedom Act. Transparency of media ownership is introduced for all media outlets (Article 15). The Law also establishes a register for all media outlets. Several other elements regarding the EMFA were also addressed above under the Audiovisual Media Services Code and in the Law on Advertising.<sup>57</sup>

The draft Law on Media provides a definition for ‘media service’:

*media service - a service or a dissociable section thereof, intended for the general public for informational, educational or recreational purposes and under the editorial responsibility of the media service provider. Depending on the classification criterion, media services may be public or private; printed, audiovisual, online or mixed; local, regional, national or international, news, general or thematic (niche).*

While somewhat different to the EMFA in terms of expression, it can be concluded that the inherent meanings of the two are aligned. The Moldovan definition references the concept of ‘principal purpose of the service or a dissociable section’. Editorial responsibility is included and the lists of types of media (programmes or press publications under the EMFA Article 2(1) – and more specifically television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications under Recital (9)).

Regarding the registration of media services, some concern was raised in recent legal reviews regarding the framework for registration which could impede media freedom and pluralism. Under Article 5(6), Media service providers who have not undertaken to comply with the Code of Ethics of Journalists of the Republic of Moldova are not registered. The list of signatories to the Code of Ethics is kept and updated by the Press Council of the Republic of Moldova. Article 7 addresses the registration of press publications, which is mandatory and carried out in accordance with the Regulation approved by the Ministry of Culture. The information in the Register is updated and publicly available on the official website of the Ministry of Culture. It was suggested that a voluntary registration may be more appropriate.

### 5.3.4. Illegal and harmful content

Among others, the Media Law would address issues such as ‘content that violates rights protected by law’ and what is termed ‘manifestly illegal content.’ Both can be considered to

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<sup>56</sup> See: National rules applicable to influencers, European Audiovisual Observatory, Strasbourg, 2024. [Available here](#)

<sup>57</sup> A full review of all aspects of the EMFA and recommendations for changes to the legislative framework can be found here: Freedom House (2024): Expert Gap Analysis: Assessment Report of Moldovan Audiovisual Legislation in Relation to the European Media Freedom Act. Prepared for Freedom House by Deirdre Kevin.

refer to illegal content and the definition of ‘content that violates rights protected by law’ includes spreading disinformation.

The definitions are the following:

*content that violates rights protected by law – media content that is contrary to legal norms, including violation of fundamental human rights, copyright, the right to privacy, the protection of dignity, minors and personal data, as well as incitement to hatred, violence, discrimination or the spread of disinformation. This content may include incitement to hatred or violence or that spreads discrimination, intolerance, hatred or violence based on race, color, national, ethnic and social origin, social status, citizenship, language, religion or belief, age, sex, gender identity, marital status, sexual orientation, disability, health status, HIV status, opinion, political affiliation, wealth, birth or any other criterion;*

*manifestly illegal content – media content that endangers national security, incites the violent overthrow of the constitutional order of the state, incites military aggression or armed conflict, or content the dissemination of which constitutes an illegal activity, including public provocation to commit a terrorist offense, offenses related to child pornography, and offenses of a racist and xenophobic nature;*

It is not clear why illegal content such as : include incitement to hatred or violence or that spreads discrimination, intolerance, hatred or violence based the listed range of characteristics, is not included under the ‘manifestly illegal content’ as this constitutes incitement to hatred and violence.

Article 9 of the Draft Law places obligations on certain categories of media service providers (online media service providers) with regard to comments added to their platform content:

*(5) The online media service provider is obliged to remove without delay any comment that represents manifestly illegal content or that infringes rights protected by law, including comments on the official pages of the media service provider on social networks. The comment that represents manifestly illegal content is removed, at the latest, within 48 hours of detection or notification by another person who considers that the comment represents manifestly illegal content or that it infringes rights protected by law.*

*(6) The online media service provider is obliged not to publish media content that: a) are likely to affect the physical, mental or moral development of minors, especially those containing images with pornographic scenes or unjustified violence. b) have clearly illegal content.*

This provision (paragraph 5) regarding comments from third parties is not entirely clear as it is uncertain whether the 48 hour deadline refers only to manifestly illegal content or to both. Also it is not clear who oversees or implements this Article. Is it linked to Article 19 (see below) as is the case with paragraph 6, or does it state a set of requirements that can be forced or challenged only in court.

However, in general the principle of requirement for removal of such comments by the information and news media platforms without due delay upon notification has been confirmed under *Delfi AS v. Estonia*.<sup>58</sup> The same Article (paragraphs 2 and 3) requires the introduction of Terms and Conditions for users and rules applicable to comments on media content published, both on the respective online platform and on its official pages on social networks

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<sup>58</sup> CASE OF DELFI AS v. ESTONIA (Application no. 64569/09). [Available here](#)

A useful way to support this provision is to encourage the same basic rules in the Codes and Guidelines of the self-regulatory body the introduction of terms and conditions that will advise users of the rules on comments. Such rules have also been introduced in the Code of the Press and Online Media Council in Bosnia and Herzegovina. Online media are expected to remove user comments that represent hate speech, incitement to violence, provocation, intolerance, insults, threats and any other form of inappropriate and socially unacceptable communication.<sup>59</sup> Similarly, in North Macedonia the Guidelines for ethical reporting of online media are the rules elaborated by the Council of Media ethics of Macedonia.<sup>60</sup> In many countries online media outlets introduce these rules themselves.<sup>61</sup>

In discussions with national experts, it was explained that there were several issues with the self-regulatory regime, which has not yet been widely accepted by stakeholders.

### 5.3.5. Implementation of the draft Law on Media

The law places the responsibility for all ‘media services’ in the competence of the Audiovisual Council – at least in relation to those ‘online media’ who break the rules on prohibition of publication of content that (Article 19):

*a) are likely to affect the physical, mental or moral development of minors, especially those containing images with pornographic scenes or unjustified violence.*

*b) have clearly illegal content.*

Article 19 also addresses the sanctions. In the first instance this would involve a public warning or a fine from 1,000 lei to 100,000 lei (approximately 51 to 5000 EUROS). In addition the relevant content leading to the sanction should be removed within 48 hours of the adoption of the Decision by the Audiovisual Council.

An online media service provider who commits such a violation 5 times shall be sanctioned with the blocking/ suspension of the dissemination of media content via the Internet.

This provision speaks of ‘clearly illegal content’. It is presumed that this is a translation issue and hence has the same meaning as ‘manifestly illegal content’. So the fines, sanctions and blocking or suspension would only be relevant to repeated failure regarding the protection of minors and to the following:

*– media content that endangers national security, incites the violent overthrow of the constitutional order of the state, incites military aggression or armed conflict, or content the dissemination of which constitutes an illegal activity, including public provocation to commit a terrorist offense, offenses related to child pornography, and offenses of a racist and xenophobic nature;*

If this is the case, fines as low as 1000 Lei (51 EUROS) would seem to be rather ineffective. If ‘clearly illegal content’ has the same meaning as ‘manifestly illegal content’ it is not clear what sanctions apply to ‘content that violates rights protected by law.’

The implementation of the Draft Law on Media will also require cooperation with self-regulatory bodies such as the Press Council. It is recommended that further work be done to enhance the position of the Press Council in the sector and ensure more engagement of the

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<sup>59</sup> See further [here](#).

<sup>60</sup> See the Guidelines for Ethical Reporting for Online Media. [Available here](#)

<sup>61</sup> See for example the UK Independent Community Guidelines. [Available here](#). See also the Guidelines of the Irish online news portal Journal.ie. [Available here](#)

media industry in the work of the Press Council.

#### 5.4. Law on Advertising in Moldova and relevance to transparency under EMFA

Other recent proposals for change to the legal framework include amendments to the Law on Advertising. This has been updated in order to incorporate a key element of the EMFA, namely the rules on State Advertising. This is necessary to reflect the spirit of the EMFA, which under Recital 72 emphasises the importance of transparency as:

*'Public funds allocated for state advertising and supply or service contracts could make media service providers and providers of online platforms vulnerable to undue state influence or partial interests to the detriment of the freedom to provide services and fundamental rights.'*

These provisions are well elaborated and in line with the EMFA, and include important requirements of transparency on the part of both public entities, and media services and online platforms regarding money spent (money earned) on State Advertising. The recent review of this draft Law recommended adjusting the definition of 'public entities', to reflect not only those 'partially or fully' financed by the State, but also to include indirect control mechanisms, not just financial dependence.<sup>62</sup> In addition all paid for advertising, messages and campaigns fall under the definition of 'state advertising' under the Directive and all of these must conform to transparency requirements.

#### 5.5. Ukraine and media legislation

In the Law of Ukraine on Media, no mention is made of disinformation and hence no definition provided. The Law prohibits the distribution of a range of information 'in the media and on video sharing platforms on the territory of Ukraine' (Article 36). This includes (among others):

*'1) calls for violent change, overthrow of the constitutional order, unleashing or waging an aggressive war or military conflict, violation of the territorial integrity of Ukraine, elimination of Ukraine's independence, information that justifies or promotes such actions;..*

*12) information that contains propaganda of the Russian totalitarian regime, armed aggression of the Russian Federation as a terrorist state against Ukraine, as well as symbols of the military invasion of the Russian totalitarian regime, except as provided for by the Law of Ukraine "On Prohibition of Propaganda of the Russian Nazi Totalitarian Regime, Armed Aggression of the Russian Federation as a Terrorist State against Ukraine, Symbols of the Military Invasion of the Russian Nazi Totalitarian Regime in Ukraine";...*

*13) information that humiliates or disparages the state language;*

*14) information that denies or casts doubt on the existence of the Ukrainian people (nation) and/or Ukrainian statehood and/or Ukrainian language.<sup>63</sup>*

In addition, the Ukrainian law includes a definition of 'aggressor state (occupying state)' as: 'a state recognized by the Verkhovna Rada of Ukraine as an aggressor or occupying state;'

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<sup>62</sup> Kevin and Kersevan (March 2025).

<sup>63</sup> Law of Ukraine on Media

A specific section Article 16, focuses on Entities in the field of online media:

*1. For the purposes of this Law, a subject in the field of online media is a person who exercises editorial control over the creation or selection, organization and dissemination of mass information in the form of online media.*

*2. An entity in the field of online media may not be a person whose ownership structure includes state bodies, local self-government bodies, their associations, except for exceptions provided by law, in particular in relation to public audiovisual media, as well as legal entities founded by such bodies, except for scientific institutions, educational institutions, cultural institutions.*

*3. A person who regularly disseminates mass information under his/her editorial control through his/her own accounts on information sharing platforms is not an entity in the field of online media, unless such person voluntarily registers as an entity in the field of online media in accordance with the procedure provided for in Article 63 of this Law. Ukraine*

The Law as has a wide scope incorporating services targeting the country which does not seem to be in line with the principle of country of origin:

*13. This Law applies to other audiovisual, print, online media services and services of audiovisual service providers, if they are aimed at the territory and audience of Ukraine. In determining the focus, the National Council shall be guided by the following criteria:*

*1) the location of users of the relevant media services;*

*2) the focus of advertising in whole or in part on consumers in Ukraine;*

*3) use of the state language, languages of indigenous peoples of Ukraine as the default interface language;*

This seems to be implemented via agreements and memoranda:

*15. If a media entity does not fall under the jurisdiction of Ukraine, but its activities affect the rights and interests of citizens of Ukraine, the National Council, the Central Election Commission, the central executive body that ensures the formation and implementation of the state policy in the field of media, other state bodies, in order to protect the national interests of Ukraine and the rights of users of media services, shall take measures to establish cooperation with such entity, including by concluding relevant agreements or memorandums.*

The National Council on Television and Radio Broadcasting of Ukraine is responsible for registration and monitoring compliance with the requirements of the legislation. The media regulator also has the authority to conclude memorandums of understanding with foreign platforms, as well as to address them with requests to remove specific content. However, according to the statements of the National Council, foreign platforms refer to their terms of use (generally mechanisms) or tend to ignore the requests of the media regulator regarding content restrictions.<sup>64</sup>

The media legislation of Ukraine also underwent several reviews of Council of Europe and other experts during its reforms. With regard to the Ukrainian restrictions in the Law regarding online and print media the Experts noted the specific circumstances of Ukraine in the time of war:

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<sup>64</sup> Council of Europe (2025): LEGAL OPINION On the Draft Law of Ukraine “On the Protection of Citizens’ Rights to Reliable Information and Ensuring Information Security, Carried Out by the National Regulator«. Prepared by David Banisar and Maksym Dvorovyj. [Available here](#)

*While the former (broadcasting) law covered only linear television and radio, the adopted Law “On Media” extends the scope to several other services and providers, both the ones covered by the AVMSD and others, most notably print and online media. This is unusual but not prohibited within AVMSD and CoE standards, especially due to the fact that the specific regulations regarding online and print media is restricted to the period of armed aggression, and up to five years thereafter.<sup>65</sup>*

Hence, the emergency situation in the Ukraine has allowed for a greater derogation from the principle of freedom of reception and retransmission of programmes and content given the state of urgency in the war.

The Ukrainian Parliament has recently developed two draft laws : ‘On the Protection of Citizens’ Rights to Reliable Information and Ensuring Information Security, Carried Out by the National Regulator’; and ‘On Amending Certain Laws of Ukraine Regarding the Regulation of Activities of Information-Sharing Platforms through which Mass Information is Disseminated’. Both have been the subject of Council of Europe reviews where a strong emphasis is placed on the need to align the approaches of platform regulation with the Digital Services Act.

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<sup>65</sup> Council of Europe (2023): Opinion of the Directorate General Human Rights and Rule of Law Information Society and Action against Crime Directorate Information Society Department, prepared on the basis of the expertise by Council of Europe experts: Eve Salomon and Tanja Kerševan ON The Law “On Media” of Ukraine.

## Key findings and recommendations

As noted already, the main legislative acts of the EU – the Audiovisual Media Services Directive and the European Media Freedom Act - do not regulate or define 'disinformation'.

However, both pieces of legislation are key to supporting the development of a media landscape that is more resilient in terms of fighting disinformation. The combined provisions of these Acts aim to promote media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, the proper functioning of the internal market and the promotion of fair competition, alongside transparency of media ownership, transparency of media financing (particularly as regards state funding), transparency of audience measurement, protection of editorial independence and protection of journalistic sources, including against the use of spyware, ensuring the independent functioning of public service media, safeguarding the media against unjustified online content removal by very large online platforms and enhancing assessment of media market concentrations by including an impact assessment regarding media pluralism.

The proposed changes to the Audiovisual Media Services Code, the draft Law on Media and the amendments to the Law on Advertising will be key in implementing both of these legislative Acts and ensuring that the media landscape will be more resilient in the fight against disinformation with the promotion of media pluralism, transparency of ownership and of financing and supporting quality journalism and media literacy (among others).

These changes represent a great deal of work on the part of the drafters of the laws to align with the relevant European standards and the EU acquis. In this regard, the Recommendations of the Council of Europe Legal Opinion regarding these proposals should be reflected in the final versions of these laws.

This included also the harmonisation of definitions concepts and clarification of various provisions in the laws. It also included providing more clarity on the implementation, and the sanctions applied.

The implementation of the Draft Law on Media will also require cooperation with self-regulatory bodies such as the Press Council. It is recommended that further work be done to enhance the position of the Press Council in the sector and ensure more engagement of the media industry in the work of the Press Council.

## 6. The Digital Services Act

The Digital Services Act (DSA) is part of a package including also the Digital Markets Act (DMA), which will not be addressed here. The DMA concerns market and competition issues, and only applies to the very large technology companies identified as 'gatekeepers', and the enforcement will be mainly carried out by the European Commission.

The DSA is a horizontal tool to deal with illegal content and services on intermediary services including online platforms, which include VSPS and social media. The Act covers issues that are broader than those relevant to audiovisual content or user-generated content and follows the principle that what is illegal offline is illegal online. Hence, the DSA cannot be fully implemented via the media legislative framework. The DSA provides a framework for the implementation of regulations covering consumer protection, copyright, online safety among others. The Digital Services Act updates the E-Commerce Directive,<sup>66</sup> and as shall be discussed below, provides also a derogation from the freedom to provide information society

<sup>66</sup> 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'). [Available here](#)

services in certain circumstances.

## 6.1. Obligations and the size and impact of services

The Act has a graduated approach to placing obligations on services. In summary, this approach works in two ways: in terms of engagement with the content (modification or organisation) and in terms of size and impact. It is worth noting that the 2018 recommendation of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries, also emphasised that:

*The greater the impact and the potential damage to the objects of legal protection and the higher the value of the services for the exercise of human rights, the greater the precautions that the intermediary should employ when developing and applying their terms and conditions of service, community standards and codes of ethics aiming, notably, to prevent the spread of abusive language and imagery, of hatred and of incitement to violence.* <sup>67</sup>

Under the DSA, online intermediaries that act as ‘mere conduits’, ‘caching’ services and ‘hosting’ services and do not produce, modify or organise content have least obligations but must have a contact point and Terms and Conditions (T&C) for users, and they should provide annual reports on their relevant activities in this area. Providers of hosting services (cloud and web hosting) have these obligations – plus – requirements to establish mechanisms whereby they can be notified regarding illegal content and react when they have knowledge or illegal content on their platforms.

Providers of online platforms (online market places, APP stores, collaborative economy platforms, social media platforms) are required to fulfil all of the obligations outlined above. In addition, they must: establish a complaint and redress mechanism and engage in out of court settlement; they must engage with trusted flaggers with regard to notification of illegal content; they must introduce measures to deal with abuse of their notification systems; these services (specifically in the case of online market places and e-commerce) should verify the credentials of third party suppliers; they must provide transparency of online advertising; and they must report criminal offences.

The strongest obligations are on the very large platforms -Very Large Online Platform Services (VLOPS) and Very Large Online Search Engines ( VLOSES). They need to establish risk management procedures and to have a compliance officer. These companies must carry out risk auditing and be publicly accountable for their actions to reduce risk. As noted above, this includes illegal content and also content that presents risks, i.e. harmful content including: – includes disinformation and content harmful to public and state security, public health, election processes, the protection of minors and also risks of content that are a serious threat to the health and well-being of individuals. They have to introduce transparency with regard to their recommendation systems and provide user choice regarding access to information. In addition, they need to share data with authorities and with vetted researchers.

Hence, the DSA has crossovers with the AVMS Directive – both addressing video-sharing platforms - and both including measures such as ‘Terms and Conditions’ for users , transparency of advertising, protection of minors, trusted flaggers, complaints systems, etc. ‘Trusted flaggers’ are referenced in relation to the obligations of VSPs under the AVMSD, in relation to online platforms with regard to the Strengthened Code on Disinformation, and also in the DSA. In the DSA, providers of online platforms have to give priority to notices

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<sup>67</sup> Recommendation CM/Rec(2018)2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries. [Available here](#)

submitted by trusted flaggers and ensure that these are processed and decided upon without undue delay.

The implementation regarding large platforms is largely the responsibility of the European Commission in cooperation with national Digital Services Coordinators (DSC) and with the Digital Services Board (DSB). The DSA is an Act that produces large amounts of data - due to requirements of transparency and reporting. Hence data analytics and computer science experts will play an important role in supporting the implementation of the DSA.

## 6.2. Risk identification and mitigation

Risk identification and mitigation are key to preventing harm on larger platforms. Here there is a key role for auditors (at the level of the European Commission regulation) and the research community at the national level (and cross-national). The European Commission have already published a Regulation with regard to auditing. A further delegated Act (regulation) will be developed in the near future with regard to 'vetted researcher' access to data. In discussions with researchers, it was noted that 5 years ago was a golden era of data access and there is currently a dark age of data access.<sup>68</sup> Researchers stressed the need to be able to carry out research and experiments within the system (A/ B tests). There are also strong calls to have stronger rules on algorithms and recommender systems to prevent the spread of harmful content and the exposure of children to harmful content.<sup>69</sup>

The Digital Services Act recognises the threat of disinformation as one of these systemic risks. In relation to the Very Large Online Platforms (the VLOPS) and Very Large Online Search Engines (VLOSES), the platforms are obliged (under the DSA) to identify risks on their platforms and mitigate those risks. The risks include the distribution of illegal content, goods and services. Risks also include threats to fundamental rights; on civic discourse and electoral processes, and public security; risks related to gender-based violence, the protection of public health and minors and serious negative consequences to the person's physical and mental well-being. The European Commission and the European Board for Digital Services are tasked with encouraging and facilitating the development of Codes of Conduct to address key risks. An example of this was the 'Guidelines for providers of VLOPs and VLOSEs on the mitigation of systemic risks for electoral processes'<sup>70</sup>

## 6.3. Powers of digital services co-ordinators

Digital Services Coordinators are endowed with a range of strong powers of investigation. These include, for example, the powers to request information from intermediary services and powers to carry out inspections. Regarding enforcement, they have among others, the power to order the cessation of infringements and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end, or to request a judicial authority in their Member State to do so. They have the powers to impose fines and penalty payments, and to adopt interim measures (or request a national judicial authority in their Member State to do so) to avoid the risk of serious harm.

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<sup>68</sup> Mapping of Irish Research Community – The Digital Services Act (DSA) and 'Vetted Researchers'. Prepared for Coimisiún na Meán / Media Commission, Ireland by Deirdre Kevin, CommSol. May 2024.

<sup>69</sup> See, for example, Amnesty International (2023): 'Driven into the darkness - How TikTok encourages self-harm and suicidal ideation. See article [here](#)

<sup>70</sup> European Commission Guidelines for providers of VLOPs and VLOSEs on the mitigation of systemic risks for electoral processes. [Available here](#)

In extreme circumstances where all other powers related to stopping an infringement of an infringement have been exhausted and the infringement has not been remedied or is continuing and is causing serious harm they also have the powers to: require services to take immediate action; or to request that the competent judicial authority of its Member State order the temporary restriction of access of recipients to the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

#### **6.4. Illegal content and criminal offence**

Article 18 covers the ‘Notification of suspicions of criminal offences’ and places obligations on the platforms to promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.

#### **6.5. Code of Conduct on Disinformation**

The Code of Conduct on Disinformation under the DSA (see also chapter 8) emanates from the Strengthened code of practice – a move from self-regulation to co-regulation. The Code includes 44 commitments and 127 specific measures in order to achieve these commitments, which must be addressed by online platforms.. The key issues addressed can be summarised as follows:

- Demonetisation and cutting financial incentives for purveyors of disinformation;
- Ensuring transparency of political advertising;
- Ensuring the integrity of services, for instance by reducing fake accounts, bot-driven amplification, impersonation, malicious deep fakes;
- Empowering users with enhanced tools to recognise, understand and flag disinformation;
- Empowering researchers;
- Empowering the fact-checking community;
- Putting in place a Transparency Centre and Task-force;
- Establishing a strengthened monitoring framework.

#### **6.6. Crisis response and crisis protocols**

Among others, the DSA introduces a ‘crisis response mechanism’. This crisis response mechanism can only be launched by the European Commission. The Commission may initiate the drawing up of ‘crisis protocols’ for very large platforms for example when “online platforms are misused for the rapid spread of illegal content or disinformation or where the need arises for rapid dissemination of reliable information.” Hence large scale disinformation problems at the pan-EU level may be addressed urgently via such mechanisms.

#### **6.7. Collaboration, cooperation and communication with online platforms**

In discussions with the experts and in relation to information available on other countries, it is clear that the small countries (such as Moldova) included in the group of candidate countries for EU membership face many challenges trying to communicate their concerns with the large platforms (including the main social media platforms).

A report by the Council for Media Services in Slovakia in 2023 also highlighted the difficulty for small EU countries with minority languages in managing to alert platforms on harmful content. They discovered there was just one Facebook-contracted fact-checker for Slovakia, thus highlighting the limited resources invested in small markets. In addition the level of responses to requests from the CMS flagging problematic content was slow and insufficient.<sup>71</sup>

Many national regulators (from candidate countries) are trying to build relationships with the platforms but also to foster relationships with some of the key bodies throughout Europe who will be responsible for regulating the large platforms such as the Digital Services Coordinator (media regulator) in Ireland and also the Ofcom in the UK who implement their own Online Safety Act (OSA).

On this issue, the European Parliament Resolution of 2024 ‘on strengthening Moldova’s resilience against Russian interference ahead of the upcoming presidential elections and a constitutional referendum on EU integration’ called on:

*‘the Commission to assist the Moldovan Government in putting pressure on social media platforms to address disinformation effectively’.*<sup>72</sup>

## **6.8. Interinstitutional cooperation and the Digital Services Act**

The DSA covers issues that are broader than those relevant to audiovisual content or user-generated content and follows the principle that what is illegal offline is illegal online. It also regulates online services and consumer protection regarding products and services. Hence, the DSA cannot be fully implemented via the media legislative framework, as it provides a broader framework for the implementation of regulations covering consumer protection, copyright, online safety among others. It requires cooperation between a range of different authorities.

*‘The digital environment has prompted policy-makers and regulatory authorities to review the frontiers of cooperative schemes, to take into account not only the cross-border challenges but also the cross-sectoral ones’.*<sup>73</sup>

In many countries, collaborative and cooperative approaches to the regulation of the online sphere have been developed.<sup>74</sup> Examples of cooperative networks include those developed in Sweden, the Netherlands, UK and Ireland, that bring together competition, data protection, consumer, election and media regulators. In addition, cooperation is needed with police and prosecutors in relation to criminal and illegal content.

## **6.9. Overview of European co-operation and mutual assistance structures**

Given the various legislative Acts at the EU level that deal with audiovisual media and VSPS, it is useful at this point to clarify to what extent a regulator can take action in relation to foreign services. The European Media Freedom Act transformed the ERGA into to the European Board for Media Services (EBMS). The Board may invite permanent observers (as

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<sup>71</sup> CMS (2023): The Bratislava Shooting – Report on the role of online platforms. [Available here](#)

<sup>72</sup> European Parliament resolution on strengthening Moldova’s resilience against Russian interference ahead of the upcoming presidential elections and a constitutional referendum on EU integration (2024/2821(RSP)). [Available here](#)

<sup>73</sup> From: Cabrera Blázquez F.J., Denis G., Machet E., McNulty B. (2021). Media regulatory authorities and the challenges of cooperation, IRIS Plus, European Audiovisual Observatory, Strasbourg. [Available here](#)

<sup>74</sup> See for example the report jointly authored by the European Audiovisual Observatory and the European Platform of Regulatory Authorities (EPRA) examining the issue of Media regulatory authorities and the challenges of cooperation.

is the current case with the ERGA), which presumably will continue to include the regulators from countries which are candidates for EU membership including Moldova. Where the Board deals with matters beyond the audiovisual media sector (related to the wider media sector), it should rely on an effective consultation mechanism involving stakeholders from the relevant media sectors which could include press councils, journalistic associations, trade unions and business associations.

There are several areas of structured cooperation between regulators. Firstly, there is Article 3 of the AVMS Directive regarding the derogations from freedom of reception and re-transmission involving the work of media regulators.

Under Article 12 of the European Media Freedom Act (Cooperation), NRAs may request other NRAs to cooperate by exchanging information or by means of mutual assistance. The Board can be requested to settle any disagreements. In the case of serious or grave risks an NRA can request accelerated cooperation. Under Article 15 (Enforcement of obligations of VSPS), NRAs may request competent NRAs to take necessary and proportionate actions for the effective enforcement of the obligations imposed on video-sharing platform providers. The EBMS can be requested to settle/ mediate any disagreements, or to issue an opinion. Under Article 17 (Measures concerning media services from outside the Union), where media services prejudice or present a serious and grave risk of prejudice to public security the Board coordinates measures to be taken following the request of at least 2 NRAs. The Board, in consultation with the Commission, can issue an opinion on appropriate measures.

The E-Commerce Act provides a broad framework for cooperation between states regarding the freedom of information society services. The table (below) provides an overview of the procedures regarding content on services under the AVMS Directive, the EMFA, the DSA and the E-Commerce Directive. In all cases it is necessary to contact the relevant authority in the jurisdiction of the service. However, several urgent procedures also apply.

Derogations from freedom of reception and retransmission, mutual assistance regarding services, and derogations from the freedom of 'information society services'.

<p>Audiovisual Media Services</p>	<p>AVMS Directive Article 3</p> <p>Derogations from freedom of reception and retransmission are possible where content manifestly, seriously and gravely infringes the prohibitions and restrictions regarding hate speech, protection of minors, and content that prejudices or presents a serious and grave risk of prejudice to public health and content point the following.</p> <p>This involves cooperation and consultation with the regulating Member State and the European Commission.</p> <p>The second type of content concerns where a media service provider manifestly, seriously and gravely infringes the prohibition of public provocation to commit a terrorist offence, or content that prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence.</p> <p>This also involves cooperation and consultation with the regulating Member State and the European Commission. However, there is also a possibility for 'urgent actions'. Where this is the case, the measures taken shall be notified in the shortest possible time to the Commission and to the Member State under whose jurisdiction the media service provider falls, indicating the reasons for which the Member State considers that there is urgency.</p> <p>European Media Freedom Act Article 14</p> <p>The EMFA introduces protocols that formalise the procedures for 'exchanging information' and 'mutual assistance'. The European Media Services Board may be asked to intervene or provide an opinion. Where the authority requesting assistance considers that there is a serious and grave risk of (among others) prejudice to public security, it may submit a request to a requested authority to provide accelerated cooperation. Hence, there is also an 'urgent' procedure in the formal cooperation.</p>
<p>Video sharing platforms</p>	<p>EMFA Article 15</p> <p>EMFA introduces a formalised co-operation procedure regarding video-sharing platform services. A media authority can request the competent authority regulating the VSPS to take necessary and proportionate actions for the effective enforcement of the obligations imposed on video-sharing platform providers (as outlined under Article 28b of the AVMS Directive).</p>
<p>Foreign services</p>	<p>EMFA Article 17 (Measures concerning media services from outside the Union), Where media services prejudice or present a serious and grave risk of prejudice to public security the Board coordinates measures to be taken following the request of at least 2 NRAs. The Board, in consultation with the Commission, can issue an opinion on appropriate measures.</p>

<p>Digital Services Act</p>	<p>The Digital Services Act under Article 57 addresses Mutual Assistance. This includes exchange of information. It also includes the duty of the Digital Services Coordinator of establishment to inform all Digital Services Coordinators of destination, the Board and the Commission about the opening of an investigation and the intention to take a final decision, including its assessment, in respect of a specific provider of intermediary services. The Article also deals with requests for information between Digital Service Coordinators.</p> <p>Article 58 deals with Cross-border cooperation among Digital Services Coordinators</p> <p>For example, where a Digital Services Coordinator of destination has reason to suspect that a provider of an intermediary service has infringed this Regulation in a manner negatively affecting the recipients of the service in the Member State of that Digital Services Coordinator, it may request the Digital Services Coordinator of establishment to assess the matter and to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation. A protocol for this procedure is included in the DSA.</p>
<p>DSA Crisis response</p>	<p>Article 36 Crisis response mechanism. Article 48 Crisis protocols</p> <p>the DSA also introduces significant rules on the measures that platforms must adopt in times of crisis, as set out under the provisions on the crisis response mechanism and voluntary crisis protocols.</p> <p>Both crisis provisions have been added due to online platforms' important role in the dissemination of information in crisis times – important and reliable information on the one hand, and disinformation and propaganda on the other hand.</p>
<p>Information Society Services</p>	<p>E-commerce Directive under Article 3 also includes derogations.. Article 3 addressed the Principle of control in the country of origin.</p> <p>Article (3 (4) a allows for derogations regarding: - public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons, - the protection of public health, - public security, including the safeguarding of national security and defence, - the protection of consumers, including investors;</p> <p>These measures van be taken an information society service which prejudices those or presents a serious and grave risk of prejudice to those objectives. The measures should be proportionate.</p> <p>Before taking the measures, the Member State should first have asked the relevant Member State to take measures which either did not happen or they were inadequate. The Member State should also have notified the Commission and the relevant Member State of its intention to take such measures.</p> <p>Article 3 (5) also allows for action in the case of urgency. Where this is the case, the measures shall be notified in the shortest possible time to the Commission and to the Member State The measures will be examined by the Commission.</p>

## 6.10. Moldovan legislation relevant to implementing the Digital Services Act

The 2024 Soros (Bunduchi and Gututututui) study provides a very useful overview of the current Moldovan legislation and the extent to which there are gaps in relation to the implementations of the Digital Services Act.<sup>75</sup> It is important to note that the DSA updates the E-Commerce Directive.<sup>76</sup> The Soros study references the relevant provisions from the Moldovan 'Law No 284 of 22 July 2004 on information society services.' It also references the following: the 'Law No 48 of 16.03.2023 on cyber security', the Electronic Communications Law no 241 of 15 November 2007; the Audiovisual Media Services Code No 174 of 08.11.2018 among others.

The E-commerce Directive, dating from 2000 specifically addressed e-commerce and protection of consumers. As noted above, the scope of the DSA is much broader reflecting the significant changes in the intervening years regarding the types of services available online and the challenges they represent. Following the analysis of the Soros report and the key elements of the DSA, it is clear that changes to the legislative framework – ideally via a separate piece of legislation – should update relevant definitions in the national Law. One authority, which could be the StratCom or another body should include a dedicated Digital Services Coordinator and the competences spread with other relevant agencies such as Consumer Protection and the Audiovisual Council.

Formal means elaborated in the Law regarding cooperation between the various relevant institutions should be established. The Law should update terms and definitions and also clarify the various types of intermediary bodies and clearly elaborate their obligations.

These could be at least the following:

*obligations for ISPs to have single points of contact for authorities and recipients of services; general conditions of use of services, which would indicate the restrictions imposed; appointment of legal representatives, if ISPs are not established in the Republic of Moldova;*

*additional obligations for online platforms, including for online platform interfaces and advertising on online platforms;*

*excluding small and medium-sized enterprises from the subjects covered by online legislation.*<sup>77</sup>

The Digital Services Coordinator should be allocated a range of powers (see above) and the necessary resources to fulfil the tasks. A road-map for implementation of the DSA should be developed.<sup>78</sup>

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<sup>75</sup> Sros Foundation Moldova (2024): DIGITAL SERVICES versus PROVOCATIONS on combating Foreign Information Manipulation and Interference (FIMI) in the Republic of Moldova: - analysis and outlook. Prepared by Ion Bunduchi and Olga Gututututui.

<sup>76</sup> 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'). [Available here](#)

<sup>77</sup> Soros Foundation Moldova (2024): DIGITAL SERVICES versus PROVOCATIONS on combating Foreign Information Manipulation and Interference (FIMI) in the Republic of Moldova: - analysis and outlook. Prepared by Ion Bunduchi and Olga Gututututui.

<sup>78</sup> On this issue, UNESCO has just completed a study and is due to publish a report (June 16<sup>th</sup>) on DSA Alignment for the Balkans. This could be a very useful reference for the authorities moving forward.

## Key findings and recommendations

The DSA includes 'disinformation' as a 'system risk' that the platforms should identify and mitigate.

The key finding here is that while the DSA is strongest in relation to the very large platforms which will be regulated by the European Commission or the relevant National Digital Services Coordinator, the DSA also offers very useful tools for the regulation of online platforms. Hence, a new legislative document should be elaborated to include: the missing definitions, the distinctions between different services; the relevant obligations for the different intermediary online platforms; and the role, competences and powers of the DSC.

The Digital Services Coordinator should be allocated a range of powers (see above) and the necessary resources to fulfil the tasks.

It is highly recommended that a Road Map for implementation of the DSA be developed and examples of these are already being developed for other regions and countries.

The developments relationships with the platforms are important but it is also advisable also to foster relationships with some of the key bodies throughout Europe who will be responsible for regulating the large platforms such as the Digital Services Coordinator (media regulator) in Ireland and also the Ofcom in the UK who implement their own Online Safety Act (OSA).

In addition, a formal cooperation structure with all other relevant bodies and the Digital Services Coordinator should be built into the Law.

## 7. Media and elections

The obligations of media services during elections are not always directly dealt with under media legislation but frequently under legislation regulating the process of elections, and therefore this issue is dealt with separately here. As noted in the previous chapter, types of systemic risk covered under the Digital Services Act include the threat of disinformation and threats to fundamental rights including on civic discourse and electoral processes. The larger platforms are obliged to identify and mitigate such risks.

### 7.1. Transparency of Political advertising

The DSA introduced rules on transparency of advertising under Article 26:

*Providers of online platforms that present advertisements on their online interfaces shall ensure that, for each specific advertisement presented to each individual recipient, the recipients of the service are able to identify, in a clear, concise and unambiguous manner and in real time, the following: (a) that the information is an advertisement, including through prominent markings, which might follow standards pursuant to Article 44; (b) the natural or legal person on whose behalf the advertisement is presented; (c) the natural or legal person who paid for the advertisement if that person is different from the natural or legal person referred to in point (b); (d) meaningful information directly and easily accessible from the advertisement about the main parameters used to determine the recipient to whom the advertisement is presented and, where applicable, about how to change those parameters.*

The 2024 Regulation on the on the transparency and targeting of political advertising introduced a range of rules on these issues, which are partly covered in the current Moldovan legislation (see further below).<sup>79</sup> These rules require identification of political advertising services, Identification of a political advertisement including the sponsor, record keeping, sharing of information with relevant authorities and transparency reports.

The ERGA (European Regulators Group for Audiovisual Media Services) 2020 report on notions of disinformation also stressed the importance of definitions of political advertising. The review also dealt with related concepts: related concepts that are not strictly speaking direct forms of disinformation, but assist in fully understanding the notion and distribution of disinformation (including fake accounts, social bots, coordinated inauthentic behaviour, political advertising, and issue-based advertising).<sup>80</sup> A key conclusion of the report was the need to consider two types of political advertising – political advertising and ‘issue-based’ advertising:

*In relation to defining the first type of political advertising and also issue-based advertising, it is recommended that the framework adopted by the European Court of Human Rights should be followed. Political advertising would apply in a broad sense to targeted and paid advertising on matters of public interest, and would not be limited to election-related advertising. This broad definitional approach would also capture issue-based advertising, and also obviates the need for defining issue-based advertising in legislation. This would remove additional ambiguity over the differences between election-related advertising and issue-based advertising.*

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<sup>79</sup> Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising. [Available here](#)

<sup>80</sup> ERGA (2020): 'Notions of Disinformation and Related Concepts.' [Available here](#)

It would seem that the concept in the Law on Advertising in Moldova is already defined broadly:

*‘political advertising – advertising that has as its object one or more subjects of political advertising or their activity, one or more political projects (causes, initiatives, ideas, etc.) and/or one or more symbols (expressions, drawings, images, voices, etc.) used by one or more subjects of political advertising.’<sup>81</sup>*

## 7.2. Media and elections in Moldova

Since January 2023, the Republic of Moldova has a new Electoral Code including stronger provisions regarding the transparency and reporting of campaign finances and media coverage. The Law on Political Parties was updated to strengthen the oversight of political financing and criminalise electoral and political corruption. Compliance with these laws is overseen by the Central Electoral Commission.<sup>82</sup>

A key document is the Central Election Commission’s (CEC) ‘Regulation on the coverage of elections by media institutions’ which is a very detailed and prescriptive document.

This is in line with approaches in other European countries. recent report by the European Audiovisual Observatory focused on media coverage of elections, and provides a useful overview of regulatory practice in this area. In a review of rules in France, Italy, Ireland, the UK, Poland and the Netherlands, the research found that in all cases broadcasters are required to cover election and referenda campaigns in a fair, balanced and impartial manner. The report also highlighted that some countries impose further obligations relating to pluralism and equality during election periods (Spain, Netherlands).<sup>83</sup>

### 7.2.1. Political advertising in Moldova

Both the Law on Advertising and the Code of the Central Election Commission address the issue of political advertising. As noted above, the relevant definition covers both political advertising and also ‘issue-based’ advertising.

The Law on Advertising provides for identification and transparency requirements. However, the legislative framework does not yet fully address some of the challenges of online political advertising. A further key element of the relevant EU Regulation concerns targeting, whereby user data that facilitates the targeting of such advertising can only be used with the prior consent of the user.

In discussions with the Audiovisual regulator, it was noted that there are less problems in the traditional audiovisual media as politicians have moved online. The money has moved online (including on social media) and this is where problematic content now appears. The regulator tries to monitor some segments of these media. A key issue raised in the discussion was political advertising. Political advertising is an area where disinformation can be included. This is particularly the case where it is not entirely clear whether a piece of information or news is a ‘paid for’ piece of information. The Central Election Commission in Moldova monitors campaign financing on the basis of the Law on Financing. Linked to this is

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<sup>81</sup> Article 1, Law on Advertising of Moldova

<sup>82</sup> European Platform for Democratic Elections (2024): Moldova Policy Alert - Disinformation and Foreign Interference in Moldovan Elections. Petru Culeac. [Available here](#)

<sup>83</sup> Cappello M. (ed.), Media coverage of elections: the legal framework in Europe, IRIS Special, European Audiovisual Observatory, Strasbourg, 2017. [Available here](#)

the transparency of political advertising. It was noted in a recent review of the laws<sup>84</sup> that the Moldovan Advertising Law, Article 9 (2) also requires transparency regarding identification of political advertising and identification of the person who paid for the dissemination of political advertising. This aligns with the 2024 EU Regulation on the transparency of political advertising.

The Moldovan Law has stronger rules regarding those prohibited from paying for political advertising, as the limitations including on foreign states extends beyond periods around the election campaigns. This would be in line with EU rules as the Regulation (recital 19) states that:

The risk of interference in elections or referendums in different Member States and Member States' assessments of that risk vary, which is why stricter national rules providing notably for longer time periods for restricting sponsoring by third-country entities or third-country nationals may be appropriate in different Member States.

However, it is important that this transparency extends to online media and that the Central Election Commission has powers to monitor online spending. The study of the European Audiovisual Observatory also noted regulation applicable to online media. Often these emanate from election and referendum legislation, but also from data protection legislation and electronic communications legislation. In some Member States, silence periods have been extended to online media (Spain and France). The prohibition of publication of opinion polls and exit polls online during silence periods are addressed in the rules in Italy and in the UK.<sup>85</sup>

### 7.2.2.Challenges regarding elections

A policy paper published in advance of the 2024 elections in Moldova noted some of the key challenges:

*Disinformation, propaganda, and covert provocations pose the biggest threat to the integrity of the upcoming electoral exercises. The vulnerability of Moldovan democracy to this threat is determined by poor media literacy and a low level of trust in the authorities.*<sup>86</sup>

In discussions with the regulator, it was highlighted that much of the problematic content has moved online. During previous elections, efforts were made to establish bi-lateral relationships with the platforms. For example, the Telecommunications Agency had dialogues with TicToc while Stratcom focused on Meta and Google (YouTube). The French Agency for Vigilance and Protection against Foreign Digital Interference (VIGINUM) has supported the Moldovan institutions in dialogue with Telegraph. While the European Commission has also supported these dialogues in the past. It is not clear whether future support from the EU in this area is the most appropriate approach as this could be seen as a political influence given the divisive nature of debates on EU membership. The Moldovan authorities also receive support from the Baltic Network of organisations tackling disinformation.

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<sup>84</sup> Review of amendments of the Audiovisual Media Code of Moldova, Law on Media and the new provisions of the Law on advertising. Prepared for the Council of Europe by Deirdre Kevin and Tanja Kersevan (March 2025).

<sup>85</sup> Cappello M. (ed.), Media coverage of elections: the legal framework in Europe, IRIS Special, European Audiovisual Observatory, Strasbourg, 2017. [Available here](#)

<sup>86</sup> European Platform for Democratic Elections (2024): Moldova Policy Alert - Disinformation and Foreign Interference in Moldovan Elections. Petru Culeac. [Available here](#)

With regard to the extent to which the problems in Moldova arise from local disinformation efforts or wider Foreign Interference and Manipulation of Information (FIMI), the opinion of the regulator is that disinformation in Moldova is definitely just one of the elements of a wider attack.

Key findings and recommendations
Overall, the legal framework for the media coverage of elections is in line with international standards.
However, as yet there are no particular tools to address online media and the rules on election coverage should ideally be also applied to online media.
Regarding political advertising, the rules on political advertising in the Moldovan legislation also need to address the transparency and targeting of political advertising online in line with the EU Regulation on transparency and targeting of political advertising.

## **8. European strategies and institutions dealing with disinformation**

### **8.1. Council of Europe work on disinformation**

At the Council of Europe there has been significant work in this area, with the important contribution to the debates on disinformation in the Council of Europe 2017 study: 'Information Disorder: Toward an interdisciplinary framework for research and policy making.'<sup>87</sup> This report provided the very useful definitions outlined above that distinguish different types of problematic information: Dis-information as information that is false and deliberately created to harm a person, social group, organization or country; Mis-information as information that is false, but not created with the intention of causing harm; and Mal-information as information that is based on reality, used to inflict harm on a person, organization or country. In addition, the report emphasised the need to examine the various "agents" who create disinformation, how it is distributed and how it is received and interpreted. The report provided an extensive section on recommendations for various actors. For states it proposed (among others) the mapping of information disorder within their respective countries, the regulation of the transparency of advertising, and supporting quality journalism.

#### **8.1.1. Council of Europe Guidance note on countering mis- and disinformation**

The Council of Europe Guidance note on countering the spread of online mis- and disinformation was published in 2023 and focuses on the actions of states and of platforms. The Guidance covers three key thematic areas – fact-checking, platform design solutions, and user empowerment. The types of recommendations are summarised below:

Recommendations on fact-checking – of central importance, transparent, independent, well-funded, sustainable, quality, access to data, trusted, multilingual

Recommendations on platform-design Solutions – human rights by design, safety by design, multi-lingual content moderation, focus on the processes, graduated approaches to content, promoting professional news sources and public interest content, independent research

Recommendations on empowerment of users – enhance quality journalism, build resilience, work with communities, promote user rights, protect vulnerable groups, trusted flaggers, collaboration, digital tools, MIL, education reform.

The Council of Europe is also conducting new research on how disinformation is created, produced and distributed and this may provide further input to strategies for combating disinformation.

#### **8.1.2. Development of a Council of Europe Convention on Disinformation**

The Council of Europe is also developing a Convention on Disinformation:

Secretary General also met with students of Nazarbayev University where he spoke about disinformation as a threat to European democracy, "an assault on trust, on truth, on democracy itself". Fake videos, fake documents, AI deepfakes, - all this disinformation in action is designed to divide and to damage democracy, he explained. This should serve as a wake-up call and a guide for action. A convention on disinformation and foreign influence

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<sup>87</sup> Council of Europe (2017): Information disorder: Toward an interdisciplinary framework for research and policy making. Authors Claire Wardle & Hossein Derakhshan. [Available here](#)

could be a common legal standard to regulate the platforms, challenge the business models, and protect the public space – for the sake of preserving democracy, Berset suggested. It is a part of a wider reflection through the New Democratic Pact for Europe, he added.<sup>88</sup>

## 8.2. European Commission report on fake news and disinformation disorder

The European Commission’s 2018 report on fake news and information disorder provided a range of recommendations emphasising the need to:

“enhance transparency of online news, involving an adequate and privacy-compliant sharing of data about the systems that enable their circulation online; promote media and information literacy to counter disinformation and help users navigate the digital media environment; develop tools for empowering users and journalists to tackle disinformation and foster a positive engagement with fast-evolving information technologies; safeguard the diversity and sustainability of the European news media ecosystem, and promote continued research on the impact of disinformation in Europe to evaluate the measures taken by different actors and constantly adjust the necessary responses.”<sup>89</sup>

## 8.3. From ‘Code of Practice’ to ‘Code of Conduct on Disinformation’ under the DSA

The key initiative stemming from the report was the EU Code of Practice on Disinformation (the Code) launched in 2018.<sup>90</sup> The Code included 5 main pillars of action: Scrutiny of advertising placements (aimed at demonetizing online purveyors of disinformation); Transparency of political advertising and issue-based advertising (aimed at making sure that political adverts are clearly identified by the users); Integrity of services (aimed at identifying and closing fake accounts and using appropriate mechanisms to signal bot-driven interactions); Empowering consumers (aimed, on the one hand, at reducing the risks of social media ‘echo chambers’ by making it easier for users to discover and access different news sources representing alternative viewpoints and, on the other hand, to plan and execute media literacy campaigns against disinformation); Empowering the research community (aimed at granting researchers access to platforms’ data that are necessary to continuously monitor online disinformation).

A ‘Strengthened Code of Practice on Disinformation 2022’ was published on June 16, 2022.<sup>91</sup> The new Code brought together a more diverse range of stakeholders, empowering them to contribute to wide-ranging improvements by signing up to precise commitments relevant to their field. The Strengthened Code builds on the 2018 Code of Practice. In assessing the previous Code, the Commission staff working document noted that the Code should be further improved in several areas by providing commonly-shared definitions, clearer procedures, more precise and more comprehensive commitments, as well as transparent key performance indicators (KPIs) and appropriate monitoring. Participation should be broadened to include other relevant stakeholders, in particular from the advertising sector.

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<sup>88</sup> Council of Europe Newsroom (25 May 2025): Secretary General highlights Kazakhstan–Council of Europe cooperation as a pillar of regional and European stability. [See further here](#)

<sup>89</sup> European Commission (2018): Final report of the High Level Expert Group on Fake News and Online Disinformation. Available at: <https://tinyurl.com/53yzapmk>

<sup>90</sup> EU Code on Disinformation (2018). Available at: <https://tinyurl.com/2s43n4j3>

<sup>91</sup> The Strengthened Code of Practice on Disinformation (2022), Available at: <https://tinyurl.com/3ty8mx6m>

The working document also emphasised there was a lack of access to data allowing for an independent evaluation of emerging trends and threats posed by online disinformation.<sup>92</sup>

The strengthened Code currently has 34 Signatories. The Code includes 44 commitments and 127 specific measures in order to achieve these commitments. Hence, this document addresses the actions of platforms. The key issues addressed can be summarised as follows:

- Demonetisation and cutting financial incentives for purveyors of disinformation;
- Ensuring transparency of political advertising;
- Ensuring the integrity of services, for instance by reducing fake accounts, bot-driven amplification, impersonation, malicious deep fakes;
- Empowering users with enhanced tools to recognise, understand and flag disinformation;
- Empowering researchers;
- Empowering the fact-checking community;
- Putting in place a Transparency Centre and Task-force;
- Establishing a strengthened monitoring framework.

The Commission also published its European Democracy Action Plan (EDAP) in December 2020, which is linked to other aspects of EU policy in the area of disinformation (including the Code outlined above, the DSA, and also further regulations for example on political advertising, and on media freedom).<sup>93</sup>

The EDAP is designed to empower citizens and build more resilient democracies across the EU by promoting free and fair elections, strengthening media freedom (including the safety of journalists), and countering disinformation. This plan led to the development of the European Media Freedom Act and the Regulation of transparency and targeting of political advertising.

### **8.3.1. European Digital Media Observatory (EDMO)**

In 2020, the European Commission established the European Digital Media Observatory (EDMO) with the aim of 'creating and supporting the work of an independent multidisciplinary community capable of contributing to a deeper understanding of the disinformation phenomenon and to increase societal resilience to it'.

According to its website, the European Digital Media Observatory (EDMO) works to strengthen and enable collaboration among a multidisciplinary community of stakeholders tackling online disinformation. It brings together fact-checkers, media literacy experts, and academic researchers to understand and analyse disinformation, in collaboration with media organisations, online platforms and media literacy practitioners.

The EDMO consists of 14 existing national or multinational hubs cover all 27 EU Member States as well as Norway. It does not currently cover the candidate EU countries. However, in 2022 the EDMO established the 'EDMO Task Force on Disinformation on the War in Ukraine providing actionable insights relevant for policy- and decision-makers, for public and

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<sup>92</sup> Assessment of the Code of Practice on Disinformation. Achievements and areas for further improvement. [Available here](#)

<sup>93</sup> European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and Committee of the Regions on the European Democracy Action Plan. [Available here](#)

private stakeholders and for the public at large.<sup>94</sup>

## 8.4. European External Action Service (EEAS)

Regarding concerted disinformation campaigns, the work of the European External Action Service EEAS is also key in this area. The European External Action Service (EEAS) is the European Union's diplomatic service. Since 2011, the EEAS carries out the EU's Common Foreign and Security Policy to promote peace, prosperity, security, and the interests of Europeans across the globe. According to the website of the EEAS, the service has taken a leading role in addressing the challenge of Foreign Information Manipulation and Interference (FIMI), including disinformation, which is a growing security and foreign policy threat for the European Union.<sup>95</sup>

The EEAS has produced three key reports: the first examines a sample of specific FIMI cases, and outlines how building on shared taxonomies and standards can fuel our collective understanding of the threat and help inform appropriate countermeasures in the short to the long term;<sup>96</sup> the second builds on the 1st Report and completes the work towards a common framework for networked defence against FIMI. This Response Framework proposes to link analysis even more effectively to timely responses, highlighting the importance of cooperation between all stakeholders;<sup>97</sup> and the third Report maps out the digital infrastructure deployed by foreign actors, mainly by Russia, but also by China, to manipulate and interfere in the information space of the EU and partner countries.<sup>98</sup>

### 8.4.1. EU Partnership Mission in the Republic of Moldova (EUPM)

The aim of the mission, formally established on 24 April 2023 at the request of Moldova's authorities, is to contribute to the strengthening of Moldova's crisis management structures and to enhance its resilience to hybrid threats, including cybersecurity, and countering foreign information manipulation and interference (FIMI).<sup>99</sup>

## 8.5. European Centre of Excellence for Countering Hybrid Treats

The European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE) is an autonomous, network-based international organization countering hybrid threats. According to its website:

The European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE) is an organization structured around three Communities of Interest (COIs), the Research and Analysis function, the Training and Exercises function, and support teams that facilitate the Centre's work. The common goal of the Centre's activities is to strengthen the security of its

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<sup>94</sup> EDMO Task Force on Disinformation on the War in Ukraine. [See here](#)

<sup>95</sup> See the specific section on Information Integrity and Countering Foreign Information Manipulation & Interference (FIMI). [Available here](#)

<sup>96</sup> 1st EEAS Report on Foreign Information Manipulation and Interference Threats - Towards a framework for networked defence. February 2023. [Available here](#)

<sup>97</sup> 2nd EEAS Report on Foreign Information Manipulation and Interference Threats: [Available here](#)

<sup>98</sup> 3rd EEAS Report on Foreign Information Manipulation and Interference Threats: [Available here](#)

<sup>99</sup> EU Partnership Mission in the Republic of Moldova (EUPM).

Participating States by providing expertise and training in countering hybrid threats and by enhancing EU-NATO cooperation in this field.<sup>100</sup>

The European Centre of Excellence for Hybrid Threats (CoE) outlines a four lines of defence model to countering disinformation: 1. Detecting and documenting the threat; 2. Raising awareness about the threat; 3. Repairing and preventing the weaknesses that the aggressors exploit; and 4. Limiting, punishing and deterring the information aggressors.

The Centre currently has 36 participating states and Moldova is not listed as a member.<sup>101</sup> The website includes a range of useful publications including a recent study entitled ‘Social identities and democratic vulnerabilities: Learning from examples of targeted disinformation’. Among others, this recommends that ‘states should promote long-term cohesion by ensuring equitable access to the democratic system and by building intersocietal trust between communities and democratic institutions.’<sup>102</sup>

## 8.6. UNESCO Guidelines

In June 2024, the UNESCO published its ‘Guidelines for the Governance of Digital Platforms – safeguarding freedom of expression and access to information through a multistakeholder approach’.<sup>103</sup> These outline duties, responsibilities and roles for States, digital platforms, intergovernmental organizations, civil society, media, academia, the technical community and other stakeholders.

The first theme focuses on an ‘enabling environment’ and emphasises that ‘All stakeholders share responsibility for sustaining an enabling environment for freedom of expression, access to information, and other human rights while ensuring there is an open, safe, and secure environment for digital platform users and non-users and all stakeholders’. This principle was partly addressed here in relation to ensuring a media landscape that promotes pluralism freedom of expression, quality journalism and media literacy among others. The Guidelines build on: the importance of the state’s duties to respect, protect and fulfil human rights; the responsibilities of digital platforms to respect human rights; the role of intergovernmental organisations; the role of civil society and other stakeholders.

The second theme focuses on the system of Governance. The principles of Governance include: Transparency – in relation to both the internal governance of platforms and also the external regulatory procedures; checks and balances – which are supported by having multi-stakeholder approaches and broad and inclusive participation; openness and accessibility - this also relates to open public consultations on governance issues and dialogue with the media and support for the media ecosystem to support sustainability, diversity and pluralism; diverse expertise- this reflects the need for regulatory instruments to reflect human rights frameworks while also understanding technological developments, and an emphasis is placed on the sharing of expertise; protecting and promoting cultural diversity and the diversity of cultural expressions – with an emphasis on cultural goods and services online.

Accountability and compliance is the third theme:

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<sup>100</sup> European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE). [Website](#)

<sup>101</sup> List of Members [available here](#)

<sup>102</sup> Hybrid CoE (2025): ‘Social identities and democratic vulnerabilities: Learning from examples of targeted disinformation’. By Elsa Hedling. [Available here](#)

<sup>103</sup> UNESCO (2024): Guidelines for the Governance of Digital Platforms - Safeguarding freedom of expression and access to information through a multistakeholder approach. [Available here](#)

*Regulatory arrangements should be effective and sustainable, taking into account the available local resources and the main priorities needing attention (for example, whether to address primarily issues around elections, public health, advertising, or data protection, etc.). Independent oversight is needed for all forms of regulation. The process for developing regulation should be open, transparent, and evidence-based.<sup>104</sup>*

The Guidance discussed the role of self-regulation, co-regulatory structures and statutory regulation.

*The multistakeholder approach in statutory regulation should be reflected in an arrangement by which: a. Relevant State authorities, including official independent regulatory authorities, set the legitimate aim of the regulation through participatory and inclusive legislative processes. b. Digital platforms report publicly to official regulatory authorities. c. Civil society organizations, artists, independent researchers, and other relevant institutions provide inputs into rulemaking, contribute to oversight, and achieve the necessary checks and balances through institutionalised involvement and scrutiny.*

A further important element is the need to clearly define the digital platforms within the scope of regulation looking at factors such as relevant presence, size, and market share in a specific jurisdiction. Key indicators of this include size and reach, market share and functionality and features. The final key thematic addresses Media and Information Literacy (MIL), emphasising that ‘will be most effectively achieved when stakeholders within the governance system share a common vision and work collaboratively to achieve it through sharing knowledge and resources’.

## **8.7. National strategies and Disinformation Taskforces**

A very important approach to addressing the problem of disinformation also requires interinstitutional and stakeholder cooperation at the national level.

The Irish Government established a National Counter Disinformation Strategy Working Group in 2023, which underlines the need for an inter-institutional multi-stakeholder approach to dis-information. This underlines the fact that the fight against disinformation should not be the sole responsibility of a media regulator. This Working Group includes representatives from 9 ministries dealing with (among others) media, justice, Cyber Security, enterprise, trade and employment, foreign affairs, health, education, children, equality, disability, integration and youth. Other key organisations include the media regulator, the Press Ombudsman, Media Literacy Ireland, and a range of industry associations, civil society organisations (CSOs) and academic institutes.<sup>105</sup> The main themes of focus are outlined in a Strategy Scoping Paper<sup>106</sup>:

*Identify the role of media literacy in supporting, and map media literacy initiatives that can help deliver, a targeted whole of Government approach to countering disinformation.*

*Provide a comprehensive analysis of existing tools and mechanisms to combat disinformation in Ireland, including international best practice tools, mechanisms and approaches, with a focus on mechanisms to address evolving threats, and on ensuring transparency about content moderation policies that impact people in Ireland.*

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<sup>104</sup> As above, p27.

<sup>105</sup> The Irish Council for Civil Liberties, the Libraries Association of Ireland, the National Youth Council of Ireland, Technology Ireland, the Institute for Future Media, Democracy and Society (FuJo)/EDMO Ireland

<sup>106</sup> National Counter Disinformation Strategy Working Group - Scoping Paper. [Available here](#)

*Identify measures to support innovation in fact-checking and disinformation research and develop effective long-term monitoring of the application of the Strengthened EU Code of Practice on Disinformation and the Digital Services Act in Ireland.*

*Explore ways in which the Strategy can support the important role that free, independent, high quality journalism plays in countering disinformation, in particular in aligning with efforts to protect the supply of public interest information at local and national level.*

*Identify ways to better coordinate national efforts to counter organised campaigns of manipulation of internet users in Ireland, in particular, on how to facilitate access by researchers to data held by platforms to better inform interventions.*

In the UK, the Government also established a ‘Defending Democracy Taskforce’ in 2022. According to the press release, the threats were defined as:

*‘foreign interference in our elections and electoral processes; disinformation; physical and cyber threats to our democratic institutions and those who represent them; foreign interference in public office, political parties and universities; and transnational repression in the UK.’<sup>107</sup>*

These examples highlight the need to create inter-institutional taskforces combining not just the various relevant ministries but also relevant regulators, agencies, CSOs, academics and experts. Recommendations are provided in the final chapter to encourage the establishment of such a taskforce.

The Soros report also describes specific institutions established, for example France and Sweden to monitor and detect foreign digital interference, protecting against information manipulation campaigns.<sup>108</sup> The current engagements with institutions from other countries and the sharing of expertise is highly critical for the enhancement of the strategies and actions against disinformation and FIMI in Moldova.

## 8.8. Regional cooperation

According to its website, the ADN-Balkans developed gradually through bilateral and multilateral cooperation of its founding members which had intensified since 2018 in response to increasing level of disinformation in the region.<sup>109</sup> It serves as the basis of a cooperation between civil society organizations, media outlets, educational institutions and all other relevant stakeholders with a goal of forming a wide front on countering disinformation through affirmation of the highest standards of fact-checking and all other ethical principles of professional journalism, as well as promoting media literacy and critical thinking. The ADN Network in cooperation with the Metamorphosis Foundation published a position paper in May 2025 – A Blueprint for Protection of Democracy from Information Threats.<sup>110</sup> The paper provided a range of Guidelines for the protection of democracy and these are outlined in the table below.

### A Blueprint for Protection of Democracy from Information Threats ADN-Balkans

<sup>107</sup> GOV.UK (28 November 2022): Ministerial Taskforce meets to tackle state threats to UK democracy. [See more here](#)

<sup>108</sup> Soros Foundation Moldova (2024): DIGITAL SERVICES versus PROVOCATIONS on combating Foreign Information Manipulation and Interference (FIMI) in the Republic of Moldova: - analysis and outlook. Prepared by Ion Bunduchi and Olga Gututututui.

<sup>109</sup> Website of the Anti Disinformation Network in the Balkans. [See here](#)

<sup>110</sup> Anti-Disinformation Network for the Balkans (ADN-Balkans) and the Metamorphosis Foundation (May 2025): Blueprint for Protection of Democracy from Information Threats. [Available here](#)

#### 1. Whole-of-society approach

is the only approach that has resulted in effects in the fight against information threats in other European countries, which makes it applicable to the Western Balkans. This approach is based on the principle that within one country, one region, or within the entire continent, all democratic actors work on preserving democracy by:

a) Close and open cooperation between each other

b) Joint work towards a single goal – developing resilient, inclusive and informed society which nurtures democratic values, protects public interest and strengthens citizens trust in the institutions.

2. Coordinated action – besides securing the whole-of-society approach, a coordinated action is necessary at European, regional and national levels.

Mirroring the behavior and strategies of antidemocratic actors, the experience from the countries, which have developed resilience mechanisms, such as those from Nordic-Baltic region, shows that increased coordination between relevant stakeholders provides excellent effects. This approach provides forceful and smartly directed targeted responses to antidemocratic disinformation strategies aimed at Europe and the Western Balkans

3. Budgets allocated for anti-disinformation activities should be proportional to the level of threats and strategies employed by the adversaries.

Antidemocratic adversaries invest significant resources in the development and maintenance of the infrastructure for production and dissemination of disinformation and information manipulation. Collusion between foreign and domestic, state and private structures, results in development of coordinated networks of influence affecting the media and wider public discourse. Such high level of strategic, tactical and operational organization is supported with investment of significant budget.

In order to defend itself from such attacks, the democratic side also needs to develop an appropriate strategic, operative and tactical response, and dedicate budget proportional to the threat level. This budget should be provided by the governments and the international organizations that have set the goal of defending from disinformation strategies or attacks, aimed at dismantling the democratic order.

In addition, the time is now for the international donors who work at regional level in the Western Balkans to synchronize their budgets towards providing minimum level of resources towards the same purpose and regional strategic approach (regional strategy).

4. Smart and strategic action instead of fragmented and overextended work.

While research and mapping result indicate that antidemocratic disinformation strategies are based on approach of saturating the ether with manipulative content of high quantity and with increasing speed (especially via use of AI tools), then the comprehensive and wide-ranging mapping of these contents can be considered a futile drain of energy and resources.

In such situation the focus of the mapping should be the goals and strategy behind that flood of content production, as well as the actors engaged in their distribution and placement. This approach requires a dose of analysis and measured estimation, followed by careful, smart and strategic action. Such an approach goes hand in hand with the whole-of-society approach because its inherent exchange of information and knowledge between different actors enables access to information necessary for smart and strategic action. Building resilience mechanisms at national level which are both responding to essential domestic needs and are also an obligation in the process EU integration for the candidate countries, in the areas of freedom of expression and foreign, security and defense policies of EU acquis (Chapters 23 and 31).

5. Joint regional strategic approach, working towards the same goal for the whole Western Balkans, directed at building joint regional strategy, followed by continuity in implementation.

Considering that all Western Balkans countries has set EU integration as priority strategic goal, and considering that antidemocratic forces apply regional strategic approach to spreading disinformation, there is pressing need for joint strategic approach towards building democratic resilience. Initiating cooperation between Western Balkans countries to develop a joint regional strategy for dealing with information threats will largely replace the fragmented response that contributes to vulnerability of the region.

This Blueprint provides some very useful insights for enhancing the approach to countering disinformation and includes recommendations to optimise time and resources, and to reinforce coordinated action at European, regional and national levels. In addition it strongly calls for more resources in the fight against information and suggests it is important for international donors to synchronize their budgets and their actions with regard to towards disinformation.

## 9. Strategies and policies in Moldova to counteract disinformation

In order to have a more comprehensive picture of current actions in the area of countering disinformation, discussions took place with 5 key stakeholders from government, regulators and civil society. The aim was to highlight key concerns at the national level regarding disinformation. It was considered that the most useful stakeholders would include: government or ministerial representatives engaged in actions related to countering disinformation campaigns; the national media regulator (Audiovisual Council); civil society representatives dealing with media literacy; and fact-checking and/or content flagging organisations, and/or journalism associations.

### 9.1. Legal and institutional developments - CCSD

The National Security Strategy of the Republic of Moldova identifies information security and resilience as a strategic priority. Following the development of the Strategy, one of the most significant developments was the establishment in 2023 of the Center for Strategic Communication and Combating Disinformation – (the CCSCD).

According to art. 6 of the Law no. 242/2023 on the establishment of the CSCCD, the mission of the is defined as follows:

- (1) The mission of the Centre shall be to strengthen and enhance inter-institutional efforts in the fight against disinformation, manipulation of information and against coordinated actions of spreading messages, narratives, communications, regardless of their origin, which are dangerous or may endanger the national interests.
- (2) The Centre works to promote national interests, including peace-keeping, democratic consolidation, social cohesion, EU accession.
- (3) The public authorities and other legal persons governed by public law shall provide the Centre with the necessary support, within the limits of their competences, including by designating the persons responsible for cooperating with the Centre, for the exercise of its tasks, established in accordance with with Law no. 242/2023 and other normative acts.

In discussions with staff of the CSCCD, it was explained that Moldova has faced a growing number of hybrid threats in recent years, reaching an unprecedented level in both scale and complexity, like cyber-attacks, disruptions of logistical chains, cloning of political parties, as well as disinformation and info manipulation campaigns.

While the initial response focused on debunking and pre-bunking disinformation, the administrative and legal measures to restrict hostile influence that followed have proven insufficient in the face of an evolving threat landscape. The adversary's tactics have become increasingly aggressive, overt, and adaptable, highlighting the need for a more integrated, anticipatory, and resilient national approach to counter hybrid threats. It was emphasised that 2023 was a pivotal year for Moldova with several key responses. The first concerned the National Security Strategy. The Strategy provides that "The Russian Federation and its proxies in the Republic of Moldova represent the most dangerous and persistent source of threat which, if not effectively countered, could have severe consequences for the country's statehood, democracy, and prosperity".. It also highlighted the interests of the Republic of Moldova and the security objectives.

Another important step was the approval of the Law on establishment of the CSCCD. The institution is autonomous and under Parliamentary control. The Centre aims to strengthen

societal resilience against threats to the information environment. It has a dual purpose with a role in countering disinformation/FIMI and mainly the work is in of Strategic Communication.

The third key development was the approval by the Parliament of the **Concept of strategic communication and countering disinformation, information manipulation and foreign interference (2024- 2028)**.<sup>111</sup> This Concept provides 5 themes as central pillars of both strategic communication and the efforts to counter disinformation, information manipulation, and foreign interference: EU Accession; social cohesion, economic resilience, strong defence sector; and strengthening national security in regional context.

The Center prioritizes a **“whole-of-society approach”**, engaging not only state institutions but also partners from civil society, the media, academia in order to build a united front against information threats. It facilitates strategic partnerships and establishes mechanisms for interinstitutional and cross-sectoral cooperation. The CSCCD tends not to use the term ‘disinformation’ as the interferences that move the vector of society are not achieved only via lies. There is a deeper emotional, cultural and psychological impact. Key approaches aim at manipulating trust of the citizens and exploiting vulnerabilities. This is why the focus is on FIMI. The goals of FIMI actions are to influence processes, weaken and de-stabilise institutions. The core objective of the adversary is to undermine social cohesion by dividing and polarizing society. To achieve this, several coordinated narrative strategies are employed: generating economic insecurity, by promoting messages that cast doubt on the stability and benefits of Moldova’s closer alignment with the European Union, while positioning Russia as a trustworthy economic partner; exploiting cultural and religious sensitivities, by instrumentalizing narratives that suggest EU integration threatens traditional values; undermining trust, by amplifying narratives that portray public institutions as weak, ineffective, or corrupt.

Overall, with the FIMI actions, the Russian actors wish to restore Russian control of the country and block Moldova’s integration into Western structures.

The long-term objective of the Center is to strengthen resilience. The short-term concern is protecting the sovereignty of the electoral process and ensuring information integrity.

The Center promotes a **proactive approach**, rather than a solely **reactive one** like debunking, when addressing disinformation. Being proactive means anticipating risks, strengthening societal resilience before harmful content spreads. In contrast, a reactive approach typically responds only after disinformation has already caused confusion or damage, making the response less effective, slower, and often more costly.

The process of drafting the Concept for the National Framework for Countering FIMI and protecting national interest objectives has been initiated in 2024. This is a visionary document that lays the foundation for the practical implementation of state policy regarding information threats to national security. It provides clarity at the macro level concerning information mechanisms and flows, tools and operational models, responsible institutions, and levels of coordination and cooperation.

Such a framework addressing FIMI is innovative not only at the national level, but also in the regional context, reflecting the Republic of Moldova’s experience and best practices in the field. The National Framework takes an integrated approach, encompassing objectives

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<sup>111</sup> See here:

[https://www.legis.md/cautare/getResults?doc\\_id=141254&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141254&lang=ro)

related to counteraction, resilience-building, and strategic communication across society, with the national interests of the Republic of Moldova at its core.

Currently, the institutional setup is underway, including the recruitment of staff. The CSCCD also established dialogue with international partners, bearing in mind that the situation in Moldova is very different from the EU space. The institution is collaborating with several EU Member States. \

The Law establishing the CSCCD gives it the remit to provide recommendations for action to other institutions and to support those institutions. In fulfilling its mission, the Center is tasked with developing and implementing the necessary measures to safeguard the information space against disinformation, information manipulation, and foreign interference **that threaten national security**. According to Law No. 242/2023, the CSCCD is mandated to provide trainings and develop methodological materials in order to strengthen the state's capacities for strategic communication and for countering FIMI. Thus, in 2024, the Center launched a training program for public officials involved in communication activities. The training focused on key aspects of strategic communication, responding to disinformation and FIMI, as well as the conceptualization and planning of StratCom-type campaigns. The Center has developed an introductory module on FIMI-related issues, strategic communication, and societal resilience, specifically designed for civil servants.

Regarding dialogue with social media and other relevant online platforms, it was noted that while some communication does exist, the level of proactivity from the platforms remains limited. This limited responsiveness is perceived to be partly due to Moldova's status as a relatively small market, which may affect the level of attention and prioritization given by major platforms. Additionally, the scope of the Digital Services Act (DSA) does not extend to Moldova, as it is not a Member State of the European Union. Regarding the current legislation and whether or not the CSCCD should have additional remits or powers, it was noted that it is important that the institution first achieve its aims and remit within the existing legal framework. Hence, it is not necessary to consider a broader scope of the remit.

It was also explained that there is a need to include a clear definition of FIMI in the legal framework.

The CSCCD also deals with other institutions such as the police and the judiciary, as they are key partners in the National Mechanism. The CSCCD has also organised training to raise awareness in legal institutions. Key challenges regarding countering disinformation

The CSCCD also deals with other institutions such as the police and the judiciary, as they are key partners in the National Mechanism. The CSCCD has also organised training to raise awareness in legal institutions.

## 9.2. Key challenges regarding countering disinformation

Regarding resources and expertise, it was emphasised that there are challenges in Moldova in relation to the 'brain drain' with a significant part of the population living and working abroad (1 million people). The key agencies are generally understaffed and operate by 'putting out fires' without the resources to get ahead of these issues. Council of Europe support has been very important in enabling the Audiovisual Council to develop policies, strategies etc. At the Audiovisual Council, they have managed to increase salaries in order to recruit and retain sufficient staff. People receive training, including English language and are encouraged to travel and network. This challenge to recruit and find the correct staff and expertise was also strongly emphasised during the discussion with StratCom.

The Agency for Cybersecurity is also new and was launched last year. Both of these agencies need staff and expertise but in Moldova they do not have trained staff. Efforts are being made to cooperate with other countries. A cyber-security event was recently held with experts from abroad including Estonia.

*The government in Chişinău is pushing ahead with reforms while fighting back against Russia's hybrid war on multiple fronts. It is using often innovative and forward-leaning methods to counter the attacks, but Moldova needs more assistance from its international partners to hold the line. Limited resources and low institutional capacity remain major challenges for the government.*<sup>112</sup>

Regarding interinstitutional cooperation, the audiovisual regulator (Audiovisual Council) outlined the nature of their cooperation with other agencies, indicating a range of both formal and informal cooperation processes. The Audiovisual Council has a strong cooperation with the Electoral Commission. The Audiovisual Council is called upon at times to report to the Supreme Security Council on certain topics and hence some level of cooperation exists. Regarding StratCom, the Audiovisual Council are represented on the observatory body. The Audiovisual Council undertakes activities under the National Deoligrarhization Plan that requires cooperation with various state authorities (Anti Money Laundry, Agency for Public Services, Agency for National Integrity).

It was noted by key experts that an important task of the StratCom is to coordinate the actions of various institutions. It was recommended that cooperation procedures should be formal and established in the Law as this is a more appropriate approach in Moldova.

In addition, in the Soros report, the following organisations were considered to be key partners for the StratCom who should establish a body including: representatives from the Ministry of Internal Affairs; the Intelligence and Security Service; the General Prosecutor's Office; the National Regulatory Agency for Electronic Communications and Information Technology of the Republic of Moldova (ANRCETI); the Audiovisual Council; the Competition Council.

In addition, depending on the situation, further representatives from the following organisations should be involved: the State Inspectorate for Non-Food Product Supervision and Consumer Protection of the Ministry of Economic Development and Digitalisation; the Public Services Agency; the Cyber Security Coordination Council; the control body/State Chancellery; academia (researchers); civil society etc.<sup>113</sup>

### **9.3. Citizen resilience and media and information literacy**

Regarding long term efforts to support the resilience of the citizen, a major media and information literacy initiative was launched by the regulator (Audiovisual Council) with the support of the Council of Europe. Various infographics were created to explain different types of illegal content. This year the plan is for the regulator to launch a survey - a media literacy barometer . the aim is to understand what media people use, what they trust, what are the fears and key concerns of citizens. This will be supplemented with work with 5 focus groups. The aim is to identify the most vulnerable groups and potentially also organise 'town hall' type meetings to communicate with the most susceptible groups.

It was noted that organisations such as Promolex in Moldova were impacted by the cancelling of support from USAID. Promolex is non-governmental organisation that is

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<sup>112</sup> Russia's Hybrid War Against Moldova. SCEEUS Report No. , 2024. Fredrik Wesslau. [Available here](#)

<sup>113</sup> Sros Foundation Moldova (2024): DIGITAL SERVICES versus PROVOCATIONS on combating Foreign Information Manipulation and Interference (FIMI) in the Republic of Moldova: - analysis and outlook. Prepared by Ion Bunduchi and Olga Gututututui.

focused on promoting democratic values, developing a strong civil society, and implementing internationally recognised human rights in Moldova. The organisation is made up human rights activists who work to provide legal assistance, strategic litigation, research, and monitoring for victims of abuse.

Media education was also discussed with various stakeholder and it was noted that this is very important. However, education works through reason while fear does not allow for reasoning. The narratives affect the mind and exploit emotions and fears. Those who do this are better prepared than the Moldovan authorities or civil society. “They have the money, the skills and the training”.

In this context, it is worth noting that among others, the European Parliament 2024 Resolution emphasised the need for:

*the EU and its Member States to ensure that all necessary assistance is provided to the Republic of Moldova to strengthen its institutional mechanisms and its ability to respond to hybrid threats; calls for increased EU support for Moldova in countering disinformation, hybrid threats and cyberattacks;*<sup>114</sup>

Key findings and recommendations, Chapters 8 and 9
The institutions and the relevant experts in Moldova are very well linked in to the key initiatives and institutions in Europe that work in the area of countering disinformation and FIMI.
In addition, the approaches taken in the work in countering disinformation and FIMI are following the best practices from other countries.
The current engagements with institutions from other countries and the sharing of expertise is highly critical for the enhancement of the strategies and actions against disinformation and FIMI in Moldova.
The establishment of a National Taskforce or Working Group on Disinformation to engage all stakeholders including civil society and the media is highly recommended.
It is highly recommended to review and discuss the Blueprint elaborated by the ADN Network in the Balkans and consider also cooperation with countries in this region
The recent UNESCO ‘Guidelines for the Governance of Digital Platforms – safeguarding freedom of expression and access to information through a multistakeholder approach’, and the forthcoming Council of Europe Convention on Disinformation should also provide further guidance on the work to fight disinformation. In the case of the latter, it is possible that useful mechanisms may be introduced to mitigate serious harms.
The work of the Moldovan institutions and authorities can be enhanced via the implementation of the Digital Services Act and a road map should be developed for this process (see also above).

<sup>114</sup> European Parliament (2024): European Parliament resolution on strengthening Moldova’s resilience against Russian interference ahead of the upcoming presidential elections and a constitutional referendum on EU integration (2024/2821(RSP)). [Available here](#)

Collaboration, communication and cooperation with major online platforms remains a challenge. As with the DSA, it is recommended that the relevant organisations enhance their relationships with key DSCs in Europe.

A key challenge is the lack of resources and expertise and it is highly recommended that international organisations and donors focus resources on supporting current initiatives for exchange of information and expertise and expanding this work.

## 10. Conclusions and recommendations

The main legislative acts of the EU – the Audiovisual Media Services Directive and the European Media Freedom Act - do not regulate or define 'disinformation'. The DSA also does not define 'disinformation' and does not list it as illegal content but includes it under the category of 'systemic risks' on platforms. The proposal for a definition of 'disinformation' in the AVMSC is well aligned with the policy definition of the EU. The recent review of the overall package of proposed changes to media legislation recommended that the same definition be included in the Law on Media.

Recommendations from the Council of Europe and other Expert Opinions regarding definitions in the AVMSC should be adjusted in line with the EU acquis as outlined above. Definitions in the new Media Law should also be harmonised. There remain some other definitions that need to be clarified according to the Venice Commission Opinion including “propaganda of military aggression”, “extremist content”, “content of a terrorist nature” and “information security.”

Some potentially useful definitions and concepts are discussed in the text which may also be helpful for adoption in policy documents including the Lithuanian definition of ‘information threats.’

As noted already, the main legislative acts of the EU – the Audiovisual Media Services Directive and the European Media Freedom Act - do not regulate or define 'disinformation'.

However, both pieces of legislation are key to supporting the development of a media landscape that is more resilient in terms of fighting disinformation. The combined provisions of these Acts aim to promote media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, the proper functioning of the internal market and the promotion of fair competition, alongside transparency of media ownership, transparency of media financing (particularly as regards state funding), transparency of audience measurement, protection of editorial independence and protection of journalistic sources, including against the use of spyware, ensuring the independent functioning of public service media, safeguarding the media against unjustified online content removal by very large online platforms and enhancing assessment of media market concentrations by including an impact assessment regarding media pluralism.

The proposed changes to the Audiovisual Media Services Code, the draft Law on Media and the amendments to the Law on Advertising will be key in implementing both of these legislative Acts and ensuring that the media landscape will be more resilient in the fight against disinformation with the promotion of media pluralism, transparency of ownership and of financing and supporting quality journalism and media literacy (among others).

These changes represent a great deal of work on the part of the drafters of the laws to align with the relevant European standards and the EU acquis. In this regard, the Recommendations of the Council of Europe Legal Opinion regarding these proposals should be reflected in the final laws.

This included also the harmonisation of definitions concepts and clarification of various provisions in the laws. It also included providing more clarity on the implementation, and the sanctions applied.

The implementation of the Draft Law on Media will also require cooperation with self-regulatory bodies such as the Press Council. It is recommended that further work be done to enhance the position of the Press Council in the sector and ensure more engagement of the media industry in the work of the Press Council.

The DSA includes 'disinformation' as a 'system risk' that the platforms should identify and mitigate. The key finding here is that while the DSA is strongest in relation to the very large platforms which will be regulated by the European Commission or the relevant National Digital Services Coordinator (DSC), the DSA also offers very useful tools for the regulation of online platforms. Hence, a new legislative document should be elaborated to include: the missing definitions, the distinctions between different services; the relevant obligations for the different intermediary online platforms; and the role, competences and powers of the DSC.

The Digital Services Coordinator should be allocated a range of powers (see above) and the necessary resources to fulfil the tasks.

It is highly recommended that a Road Map for implementation of the DSA be developed and examples of these are already being developed for other regions and countries, for example in the Western Balkans.<sup>115</sup>

The development of relationships with the platforms are important but it is also advisable also to foster relationships with some of the key bodies throughout Europe who will be responsible for regulating the large platforms such as the Digital Services Coordinator (media regulator) in Ireland and also the Ofcom in the UK who implement their own Online Safety Act (OSA).

In addition, a formal cooperation structure with all other relevant bodies and the Digital Services Coordinator should be built into the Law.

Overall, the legal framework for the media coverage of elections is in line with international standards. However, as yet there are no particular tools to address online media and the rules on election coverage should ideally be also applied to online media. There are many examples (Spain, France, the UK, the Netherlands) where this has already been regulated and they should provide useful examples for developing election regulations. Rules on election coverage have been extended to online media, based in either media or election legislation, but also from data protection legislation.<sup>116</sup>

Regarding political advertising, the rules on political advertising in the Moldovan legislation also need to address the transparency and targeting of political advertising online in line with the EU Regulation on transparency and targeting of political advertising.

The institutions and the relevant experts in Moldova are very well linked in to the key initiatives and institutions in Europe that work in the area of countering disinformation and FIMI. In addition, the approaches taken in the work in countering disinformation and FIMI are following the best practices from other countries, particularly the Baltic states, Sweden and France.

The current engagements with institutions from other countries and the sharing of expertise is highly critical for the enhancement of the strategies and actions against disinformation and FIMI in Moldova.

The establishment of a National Taskforce or Working Group on Disinformation to engage all stakeholders including civil society and the media is highly recommended. Examples were provided in the analysis above including in the UK and Ireland.<sup>117</sup>

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<sup>115</sup> For example, see the: Open Society Foundation (2024) Towards a feasible Implementation of the Digital Services Act in the Western Balkans: [Available here](#) . A further report is due from the UNESCO in 2025.

<sup>116</sup> Cappello M. (ed.), Media coverage of elections: the legal framework in Europe, IRIS Special, European Audiovisual Observatory, Strasbourg, 2017. [Available here](#)

<sup>117</sup> See for example the Irish National Counter Disinformation Strategy Working Group - Scoping Paper. [Available here](#)

It is highly recommended to review and discuss the Blueprint elaborated by the ADN Network in the Balkans and consider also cooperation with countries in this region. The ADN Network in cooperation with the Metamorphosis Foundation published a position paper in May 2025 – A Blueprint for Protection of Democracy from Information Threats.<sup>118</sup>

The recent UNESCO ‘Guidelines for the Governance of Digital Platforms – safeguarding freedom of expression and access to information through a multistakeholder approach’, and the forthcoming Council of Europe Convention on Disinformation should also provide further guidance on the work to fight disinformation. In the case of the latter, it is possible that useful mechanisms may be introduced to mitigate serious harms.

The work of the Moldovan institutions and authorities can be enhanced via the implementation of the Digital Services Act and a road map should be developed for this process (see also above).

Collaboration, communication and cooperation with major online platforms remains a challenge. As with the DSA, it is recommended that the relevant organisations enhance their relationships with key DSCs in Europe. Specific examples include the Irish DSC based at Coimisiún na Meán, which is responsible for the majority of major platforms.<sup>119</sup> As a non-EU example, the regulator in the UK, the Ofcom is also a key institution regulating the main platforms in the prevention of online harm.<sup>120</sup>

A key challenge is the lack of resources and expertise and it is highly recommended that international organisations and donors focus resources on supporting current initiatives for exchange of information and expertise and expanding this work.

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<sup>118</sup> Anti-Disinformation Network for the Balkans (ADN-Balkans) and the Metamorphosis Foundation (May 2025): Blueprint for Protection of Democracy from Information Threats. [Available here](#)

<sup>119</sup> See details [here](#)

<sup>120</sup> See details on the Ofcom website [here](#)

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