

REGULATION
on the media coverage of the electoral campaign for parliamentary elections and
republican referendum of 24 February 2019
from the Republic of Moldova

I. General Provisions

1. This Regulation establishes the mode of media coverage of the electoral campaign for the parliamentary elections and republican referendum of 24 February 2019 (*hereinafter referred to as* the parliamentary elections and referendum) by the broadcasting organizations (broadcasters) of the Republic of Moldova and aims to ensure a fair, balanced and impartial coverage of the electoral campaign for the parliamentary elections and referendum by broadcasters, promotion of freedom of expression and political pluralism, establishment of binding rules to be applied by the broadcasters, on the one hand, and the electoral competitors on the other hand.

2. The broadcasters being under the jurisdiction of the Republic of Moldova shall cover the electoral campaign for the parliamentary elections and referendum in accordance with the provisions of the Constitution of the Republic of Moldova, the Electoral Code, the Broadcasting Code, the UNO Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, the Framework Convention of the Council of Europe on the Protection of national minorities, the law on press, the law on freedom of expression, the Law on ensuring equal opportunities between women and men, the Regulation on the media coverage of electoral campaign and of the international acts to which Moldova is a party.

3. The principles of a fair, balanced and impartial coverage of the parliamentary elections and referendum shall be also binding for the broadcasting institutions from other countries, having access to the media landscape of the Republic of Moldova, the principle arising including from the Convention on the standards of democratic elections, electoral rights and freedoms in the Member States of the Commonwealth of Independent States (CIS), the European Convention on Transfrontier Television. In case of violation of these principles, the responsibility shall be placed upon the holders of broadcasting licenses and rebroadcasting authorizations, operating on the territory of the Republic of Moldova.

4. The broadcasters who rebroadcast program services, parts of program services or programs (shows) of the TV or radio stations from abroad shall be responsible to comply with the provisions of the Electoral Code, the Regulation on the media coverage of the electoral campaign. In the case of non-compliance with these provisions, broadcasters shall have the right to cease a rebroadcast of any program broadcasting services, notifying the Broadcasting Coordinating Council (*hereinafter referred to as* the BCC), within 24 hours, about the period/periods of cessation of the actual and/or possible rebroadcast. However, the BCC may prohibit a rebroadcast of any program broadcasting services from abroad violating the provisions of the Electoral Code, the Regulation on the media coverage of the electoral campaign, including the provisions of the Concept on the media coverage of electoral campaign for parliamentary elections and republican referendum of 24 February 2019, which were approved by the BCC.

5. Prior to the beginning of the electoral campaign for the parliamentary elections and referendum, broadcasters shall have the right to cover and inform the audience referring to:

- the activity of the parties and other socio-political organizations in accordance with the principles of a fair, balanced and impartial coverage of the parliamentary elections;

- all electoral issues, free from any interference from public authorities, parties and other socio-political organizations or other entities;

-the nomination of candidates and registration of electoral competitors;

6. Within 5 days from the beginning of the electoral period, broadcasters shall publish and inform the Central Electoral Commission (*hereinafter referred to as* the CEC) and the BCC with respect to the conditions under which they offer the advertising space, including a price per minute and other related services. The CEC shall publish this information on its official website (www.cec.md).

7. During the electoral campaign, the distributors of the program broadcasting services shall not have the right:

- to stop or interrupt the rebroadcast of the program broadcasting services of the broadcasters which cover the parliamentary elections and/or referendum;

- to broadcast their own electoral debates, electoral advertising or other electoral programs;

- to offer electoral competitors/participants of the referendum free of charge or paid airtime;

- to broadcast mobile captions (including through the SMS) for the electoral debates programs and talk-shows with the participation of electoral competitors/participants of the referendum, representatives of the electoral competitors/participants of the referendum.

8. During the electoral campaign, the administrations of the broadcasters and distributors of the program broadcasting services shall observe the compliance with the provisions of the electoral and the audiovisual law, track the airtime offered to electoral competitors/participants of the referendum and shall submit weekly (on Mondays) to the BCC and the CEC a report, according to the template approved by the BCC, on the amount of electoral programs (spots, debates and campaign materials broadcasted under the headings specially designed to cover the electoral campaign, news programs), including the data about the electoral education/voter information spots developed by the CEC, broadcasted during the previous week.

9. The electoral competitors/participants of the referendum shall enjoy equal and non-discriminatory treatment while being offered the airtime or advertisement space for electoral advertising, regardless of the form of ownership of broadcasting institutions.

10. Every broadcaster covering the electoral campaign shall present to the BCC, within 7 days from the approval of this Regulation, a statement on editorial policy for the electoral campaign containing the following:

- the name of the owner/owners of a broadcaster;

- the principles assumed by a broadcaster referring to the coverage of electoral campaign;

- the conditions of scheduling of the paid/free airtime;

- the principle of scheduling and granting of the airtime;

- the schedule of the free and paid airtime or the conditions of scheduling of free and paid airtime, the rates for the paid airtime, which may not exceed the rates set out in the usual way for commercial advertising;

- the procedure and principles of holding electoral debates;

- the mode of accounting of the airtime offered to the electoral competitors/participants of the referendum, in accordance with Article 69 of the Electoral Code;

- the grid of the electoral programs and conditions of their scheduling;

- the name, surname, service and mobile phone numbers, fax and e-mail address of the person responsible for the coverage of the electoral campaign;

- a statement by which the above person undertakes to weekly present the BCC and the CEC, (on Mondays), by fax and/or by electronic means, a report on the amount of electoral programs (advertisements, debates and electoral materials broadcasted under headings specially designed to cover the electoral campaign, news programs), including the data on the advertisements of electoral education/voters information developed by the CEC, broadcasted during the previous week.

11. Those broadcasters that shall not cover the electoral campaign shall notify the BCC thereof, within the same period. They shall be obliged to organize electoral debates, in accordance with the provisions of Article 70(3) of the Electoral Code.

12. The broadcasters that have failed to submit within the set time period the statements for approval by the BCC, a fact confirmed by the BCC Decision, shall not have the right to cover the electoral campaign, parliamentary elections and republican referendum of 24 February 2019.

13. The BCC shall examine, during a public hearing, the statements on the editorial policy for the coverage of the parliamentary elections and referendum, and post them on its website within 24 hours after approval. The BCC shall have the right to reject the statements which do not correspond to the requirements and demand to bring them in line with the legislation within up to 3 calendar days. In case of presentation of the statements on the editorial policy for the electoral campaign for parliamentary elections and referendum violating the established deadline, the BCC shall apply sanctions in accordance with the audiovisual legislation.

14. The statements on the editorial policy for the coverage of the electoral campaign shall be adopted by:

- the administration of the state broadcaster (IPNA Company “Teleradio-Moldova”, IPRA “Găgăuziia Radio Televizionu”);
- the administration of a private broadcaster.

15. After the approval of a statement on the editorial policy for electoral campaign coverage, a broadcaster shall have the right to amend and/or supplement it only in case this shall not affect a fair, balanced and impartial coverage of election. A broadcaster shall forward to the BCC any amendments and/or supplements to the statement on editorial policy, within 24 hours from their approval, which shall be applied only after their approval by the BCC.

16. Prior to broadcasting, broadcasters shall be obliged to ensure the confidentiality of electoral materials submitted by the electoral competitors/participants of the referendum.

17. The state broadcasters shall be obliged, whereas those private shall have the right, to broadcast free of charge, at the request of the electoral authorities, motivational and electoral education advertisements, conduct voters information campaigns on the voting procedure and other voting peculiarities. The materials developed by the CEC shall be broadcasted free by broadcasters, at the request of an electoral authority, while the products of public associations shall be broadcasted only after a prior written coordination with the CEC.

II. Electoral Advertisement and Airtime

18. In the course of the electoral campaign, national broadcasters, whose list shall be made public by the BCC, shall grant electoral competitors, within their national electoral district, free of charge, 5 minutes of airtime on television and 10 minutes on the radio to promote their electoral programs and inform voters. These airtimes shall be offered within other scheduling than those reserved for electoral advertisement and electoral debates.

19. In the course of the electoral campaign for the parliamentary elections (national electoral district) and the referendum, the state broadcasters shall offer to electoral competitors registered by the Central Electoral Commission and participants of the referendum, free of charge, one minute per day of airtime to place their electoral advertisement.

20. Paid and free electoral advertisement, as well as electoral debates programs shall be highlighted by means of a unique acoustic and visual identification and separation from other shows and commercial breaks with the insertion of the “Electoral 2019” indication at the beginning and in the end of an electoral advertisement break. However, to account the airtime offered to electoral competitors, the electoral advertisement and programs about electoral debates shall be broadcasted only within special sections. TV viewers and radio listeners shall be so informed by titles as well as video and voice messages.

21. The electoral advertisement shall not be included in news programs, sports programs, TV programs for children, programs covering religion-related topics.

22. The liability for the content of the electoral advertisement materials, broadcasted or published, shall be held by the electoral competitor/participant of the referendum.

23. Broadcasters shall cover the electoral campaign within the main news programs in such a way that they become accessible to persons with hearing and sight impairment, by text messages, interpretation, audio description, crawl or other similar techniques.

24. In the course of the electoral campaign, electoral candidates shall have the right to participate as news readers, producers or hosts of electoral debates, talk-shows and other types of programs. Responsibility for compliance with these provisions shall be placed upon the broadcasters.

25. Broadcasters, in their news programs and authorial programs, shall cover events related to the electoral campaign adhering to the provisions of the Electoral Code, of this Regulation.

26. The activity of the Government, the Parliament, the Presidential Office and other authorities of the central and local state administration shall be covered separately, within other programs than those of debates and the electoral advertisements, adhering to the provisions of the Electoral Code, the Broadcasting Code and of this Regulation. No candidates of the elections shall have a priority, by virtue of the position he/she holds.

27. The coverage of electoral events in the news and analytical programs shall be performed without being accompanied by comments, in a way that avoids distortion of the message of the electoral competitors/participants of the referendum and of the Central Electoral Commission.

28. In the course of the electoral campaign the images representing foreign citizens, state institutions or state authorities, both of this and foreign countries, or international organizations, may not be used in the electoral advertisements. It is prohibited to combine colors and/or sounds invoking national symbols of a foreign state, use of materials containing historical personalities from the Republic of Moldova or abroad, symbols of foreign states or international organizations, or images of foreign officials.

29. The use of archive materials shall be clearly accompanied by the note "Archive" in video or audio format, as appropriate, which shall be easy to perceive. Such materials shall not be used if their original meaning is distorted. For the purpose of this regulation, any material presented in video, audio, or paper format which was prepared prior to the beginning of the electoral period for the parliamentary elections of 24 February 2019, shall be considered archival material. Electoral advertisements shall not contain any stratagems involving images and/or sounds, obscene language or offensive words that bring a person's honor and dignity into disrepute, slander, incitement to hatred of persons, national, racial or religious hatred, incitement to massive public violence, incitement to actions aimed at overturning or breaching the state order or violent breach of the integrity of the Republic of Moldova, incitement to extremist and/or terrorist actions or other actions aimed at breaking the rule of law. Editing shall be forbidden if it modifies the essence of the initial message and, as a result, it damages the honor and dignity of an electoral competitor/a referendum participant.

30. Each electoral advertisement shall include the legible name of an electoral competitor/a participant in the referendum who has ordered it. Each electoral insert spread by mass media shall include the name of an electoral competitor/a referendum participant, the opening, and be accompanied by the specification "Paid from the electoral fund, according to invoice No ___ of _____, 2019".

31. Electoral broadcasts announced by radio and television channels in advance shall only be re-scheduled in case of technical breakdowns.

32. For paid electoral advertisement, each electoral competitor (national district)/participant in the referendum shall be offered 2 minutes per day during the electoral campaign at each broadcaster participating in the coverage of the electoral campaign. Each electoral competitor (single member district) may obtain 2 minutes of paid airtime per day. The provisions for purchasing airtime and fees shall be communicated under the provisions of paragraphs 6 and 21 hereof. Airtime for paid electoral advertisement shall be granted to all electoral competitors/referendum participants at the same broadcasting hours without any

discrimination. The accrued duration of a paid electoral advertisement shall not be less than 30 seconds.

33. The request for the allocation of airtime shall be submitted to broadcasters for the entire electoral campaign and only after the registration of the participant in the referendum and/or the electoral competitor at the CEC or the district electoral councils. The airtime granted shall be provided by broadcasters not earlier than 30 days prior to the day of the parliamentary election for electoral competitors and from the moment of registration with the CEC for the participants in the referendum.

34. Paid airtime shall be provided to electoral competitors/participants in the referendum no later than 24 hours after the registration of the application. They shall present materials to broadcasters within at least 24 hours prior to the broadcasting.

35. Paid electoral advertisement shall take place at radio and television channels on the basis of contracts signed by and between the parties. Broadcasters shall create equal conditions for all electoral competitors/referendum participants for purchasing airtime, including by means of setting equal fees.

36. The fee charged by mass media and/or advertising agencies for the placement of paid electoral advertisements shall not exceed the commercial advertising fee charged during the pre-electoral period. The payment shall be made in advance, exclusively from the electoral fund of the electoral competitor/referendum participant, from the financial means declared according to Article 41(2) letter a) of the Electoral Code. Any other means of payment than the advance payment from the electoral fund shall be prohibited.

37. Paid airtime provided upon request of the electoral competitor/referendum participant but not used by them due to their own fault shall not be recompensed.

38. Paid airtime provided upon request of the electoral competitor/referendum participant, but not used due to technical failures of the transmission equipment or for other force majeure reasons invoked by the broadcasting institution shall be re-scheduled. The broadcaster shall officially notify the electoral competitor/referendum participant in writing about the reason invoked and the date and time of the re-scheduled broadcast.

39. Electoral advertisement and electoral publicity distributed on the internet, including the ones placed on webpages managed by broadcasters, electoral advertisement distributed by means of mobile telephony shall be treated similarly to electoral advertisement in printed media.

III. Electoral Debates

40. When organizing electoral debates, talk shows, and other programs, the broadcasters shall ensure the observance of the principles of balance, impartiality, responsibility, and pluralism of opinion for electoral competitors/referendum participants.

41. National and public broadcasters shall be obliged, and local and regional ones shall have the right to organize electoral debates during the electoral campaign for parliamentary elections and referendum in the national district. Local/regional broadcasters shall be obliged, and the national ones shall be entitled to organize electoral debates during the electoral campaign for parliamentary elections in single member districts. Electoral debates shall be held exclusively during the electoral campaign.

42. Electoral candidates or their representatives shall take part in electoral debates. The topic of the electoral debates shall be established by the broadcaster and announced simultaneously with the invitation to the debates.

43. The procedure for determining the order of inviting the participants in the debates, as well as their grouping, shall be stipulated in the statement on the editorial policy of broadcasters, providing equal opportunities for each participant, as well as the principles of transparency and impartiality.

44. Refusal to participate or the absence of one or more candidates or their representatives in the debates shall be made public and shall not be treated as grounds for cancelling or suspending the broadcast. In the absence of one or more electoral competitors/participants in the referendum, their time shall not be recompensed. If an electoral

competitor or their representative arrives for the show, they shall be allowed to participate in the debates, but without recompensing for the unused time due to being late.

45. The rules for holding debates shall be brought to the attention of the electoral competitors/referendum participants in the invitation for participation and at the beginning of the electoral debates.

46. During the debates, the hosts shall offer guests an opportunity to express their views on the issues discussed.

47. During the debates, guests shall be offered equal opportunities for free expression of opinions. However, during the airtime offered for debates, the following shall be prohibited:

- endangering constitutional order, territorial integrity, incitement to acts of public violence, attempting to endanger the safety of a person and material goods;
- disclosure of secrets protected by the law;
- incitement to hatred or discrimination;
- incitement to war, hatred between people, interethnic or territorial separatism, and actions endangering the rule of law;
- damaging dignity or reputation of another person, public offense;
- using sexist language;
- verbal, written, or non-verbal expressions that do not conform to generally accepted norms of conduct, including ethical ones.

48. The hosts of electoral debate broadcasts shall have the following obligations:

- to be impartial;
- to ensure balance in speeches, offering each participant in the discussion an opportunity to present their views;
- to formulate questions clearly, avoiding tendentious or biased approaches;
- to keep the debate close to the subject offered for discussion;
- to intervene, including by mute the microphone, if guests breach the provisions of the law and of this regulation or fail to follow the host's requests;
- not to be candidates or authorized representatives at the elections or first or second degree relatives of candidates.

49. The producers and/or hosts of electoral debate programs shall have the right to interrupt the electoral debate if one or more participants to the debates breach the provisions of paragraph 47 hereof, resuming the broadcast after the order is restored in the studio.

50. The producers and/or hosts shall have the right to suspend the electoral debate broadcast according to the decision of the broadcaster's administration after two interruptions of the same electoral program. The broadcasters shall inform the electoral competitors/referendum participants of the interrupted broadcast about the right to participate in electoral debates on a non-discriminatory and equal basis within 24 hours of the decision to suspend the broadcast.

51. In electoral debate programs, organizers shall not broadcast advertising materials regarding the activity of electoral competitors/referendum participants or with the participation of electoral competitors or their authorized representatives, television or radio reports from meetings of electoral competitors/referendum participants with voters, working visits of electoral competitors from among the leaders holding responsible positions, and results of opinion polls.

52. Broadcasting mobile subtitles (SMS, etc.) in electoral debates and talk shows with the participation of electoral competitors and/or representatives of electoral competitors/referendum participants shall be prohibited.

53. Organizers of online electoral debates (via the Internet) shall be guided by the same rules of debate organization as the broadcasters licensed according to the legislation of the Republic of Moldova.

IV. Broadcasting Opinion Polls on Electoral Issues

54. Broadcasters shall have the right to broadcast the results of electoral polls no later than 5 days prior to the day of the election, only if they are accompanied by the following information, which shall be made public simultaneously with spreading results of the polls:

- the name of the organization that carried out the poll;
- the date or time interval of the survey and the method used;
- sample amount and maximum margin of error;
- the person who is in charge of the survey and the source of funding;
- the proof of notifying the CEC of holding the electoral poll according to Article 70(10) of the Electoral Code. In the case of exit-polls, the CEC decision on holding the survey shall be presented.

55. Electoral competitors who consider their right to be breached shall enjoy the right to reply pursuant to Article 69(6) of the Electoral Code. In the case of written press or online publications, the right of reply shall be ensured as soon as possible but no later than the penultimate day prior to the day of the election.

V. Final Provisions

56. From the moment of adoption of this Regulation, the BCC shall submit monitoring reports to the CEC pursuant to Article 70(12) of the Electoral Code.

57. All video and audio records on electoral issues shall be kept by the broadcasters until the publication of the decision on the results of the parliamentary elections/referendum in the *Official Gazette of the Republic of Moldova*. In the event of litigation, the storage period shall be extended according to the court decision.

58. The broadcasters shall keep track of the airtime offered to electoral competitors/referendum participants and present, on a weekly basis (on Mondays) to the BCC and the CEC, by fax and/or electronic means, the information on the amount of electoral broadcasts (advertisements, debates, and electoral materials broadcasted within the special sections created to reflect the electoral campaign), including information on broadcasting electoral education and voter information advertisements for the previous week, according to the template approved by the BCC.

59. Upon the request of the BCC, the CEC, or the district electoral council (in case of local broadcasters), broadcasters shall submit video and audio materials together with the copies of the contracts and the proof of advance payments within 24 hours.

60. Complaints regarding the coverage of the electoral campaign by broadcasters under the jurisdiction of the Republic of Moldova shall be considered by the BCC in accordance with the provisions of the electoral and audiovisual legislation, and those concerning printed media or online publications shall be examined by courts.

61. Failure to comply with this Regulation shall entail the sanctions provided for by the current legislation. In case of broadcasters and service distributors, the BCC shall apply the sanctions stipulated by the Broadcasting Code, including for failure to comply with the editorial policy statements for the electoral campaign.