MOLDOVA

Tamara Caraus
1 INTRODUCTION

The media market in the Republic of Moldova has some peculiar features. First, it is divided into media sub-markets of the Romanian language and the Russian language. Second, the media system reflects the Moldovan state’s search for national identity, and often serves as a tool for creating and consolidating various identity options. Third, media economics seems to have little relevance in Moldova. Investors are putting money into the Moldovan media, but not with a return on investment as a primary objective – buying influence over society appears to be their principal motivation.

There is no significant push for profitability or normalisation of the market. The political forces now in control do not permit change. Moldovan society and most of its elected representatives do not seem to have understood yet that diversity of the media is vital for guaranteeing pluralism of opinions, adequate political representation, and citizens’ participation in a democratic society.

2 MEDIA REGULATION

After gaining independence in 1991, Moldovan society had the opportunity to understand that media can be not only a tool of propaganda in a totalitarian regime, but also a tool for achieving everyone’s right to freedom of expression. Before 1991, the ownership of mass media was a privilege exclusively reserved for the state and the party; then, suddenly, everyone had the right to found a newspaper, and this right was confirmed by Moldovan media legislation: “a publication or an audio-visual company can be founded by one or more natural or legal persons who is 18 or older and is a citizen of the Republic of Moldova,” assured both the Press Law and the Audio-visual Law.¹ But if a natural or legal person wants to hold one or more media outlets, the legislation becomes restrictive. The Audio-visual Law stipulates that a natural or legal person may hold more than a 50 percent stake in the share capital of one audio-visual company, but no more than 20 percent of the share capital in other companies.² It is not specified whether the permitted 20 percent might be owned in a newspaper company or in another audio-visual company. The Press Law does not specify the amount of the share capital that a natural or legal person may hold in one or more press companies. There are no other cross media ownership regulations in either the Press Law or the Audio-visual Law.

It should be mentioned that both the Press Law and the Audio-visual Law use the word “founder” and “cofounders” instead of the word “owner”. Also there is no mention of the terms “ownership” and “concentration” in the media legislation of the Republic of Moldova.
The authors of the Moldovan media legislation do not seem to have conceptualised information in commercial and market terms; the dominant features of the media legislation prove this assumption. The first media regulation in the post-communist period was the Decision signed by the Moldovan President in April 1992, which provided, “the subvention for the press companies according to the list approved in the established way” and “the monopolisation of press distribution.”³ In 1994, the Press Law was adopted. It has been amended eight times since then. Multiple interventions in this act have been made without a clear concept. Most of the modifications concerned property issues but in such a way that does not resemble any standard regulation. Thus, Chapter 12 of the Press Law ("Financing"), was the subject of four amendments (in 1995, 1998, 1999, and in 2001). Two amendments concerned state subsidies for publications founded by public authorities, and two focused on the participation of foreign owners in the Moldovan press. The first intervention, made in 1995, allowed foreign natural and legal persons to provide support for the press. The second amendment made in 2001 forbade the governments of other states from supporting the Moldovan press, except in cases where bilateral agreements to this effect exist between the Moldovan and another government. The legislative initiative came from the communist majority in Parliament. The purpose of this amendment was to stop the financial support that some periodicals belonging to the political opposition received from funds allocated by the Romanian government for Romanians living abroad⁴. As a result, the governments of the United States of America, France, Holland, Romania and Greece, which were carrying out programs supporting the national press, had to retreat.

The Audio-visual Law was adopted in 1995 and amended seven times. The most significant amendments were those in 1999.⁵ The legislative initiative came from the former parliamentary majority; the objective of the amendment was the creation and protection of a national audio-visual space. By this modification, Article 13.3 was introduced, which obliged broadcast media institutions, public or private, to broadcast at least 65 percent of their programming in the official state language. Of the seventeen amendments, only one was directly concerned with the issue of ownership: telecommunications businesses and those running broadcast communications networks were banned from owning or co-owning broadcast outlets. The Constitutional Court rejected this article, arguing that it restricted freedom of speech.⁶

In 2000, a Member of Parliament, Vasile Spinei, launched an initiative to abrogate the Press Law.⁷ In his opinion, the Press Law was not needed at all, and all media-related issues could be regulated by other laws. Among the main reasons mentioned was the fact that the law did not regulate the independence of the press but only routinely described the organisational structures of press companies. Also, the relationships between founders, editors and journalists were regulated from the perspective of state ownership of the
press, and such regulations encouraged public servants to control the press in a camouflaged way. The author of the legislative initiative argued that only a few articles out of a total of 28 should be preserved and included in other laws, like the Law on Publishing Activity, the Law on Entrepreneurship, the Penal Procedure Code, and the Civil Procedure Code. Neither this legislative initiative, nor other more recent ones, proposed including media-competition regulations in the Competition Law, which was adopted by the Moldovan Parliament in 2000.

In April 2001, the most influential media NGOs – the Journalists’ Union, the Independent Journalism Center, The Committee for Freedom of the Press, The Access Info-Center, The Association for Broadcast Media (APEL), and The Association for Independent Press – sent to Parliament a bill on state support for the mass media, which intended to create optimal conditions for media activity through tax exemptions, reasonable tariffs, and adequate VAT. The bill was categorically rejected by the ministries and departments whose approval was required. In 2002, the Broadcasting Co-ordinating Council (BCC) sent to Parliament a draft of a new Audio-visual law. APEL submitted its own draft in July 2003. In the APEL version the regulations on ownership are formulated according to international standards. For the time being, both drafts have been ignored.

Not only the existing legal framework of the Moldovan mass media but also the current legislative trends and initiatives show that in Moldova mass media is not understood in market terms.

Another proof of this understanding of the media could be the fact that in the Republic of Moldova the mass media were not included in the process of privatisation characteristic of the whole commercial sector in the post-communist period. No periodical or broadcasting outlet that existed before 1990 was privatised. Most of them disappeared, and those that remained are still state property. But there were some trends towards privatising the distribution networks, and the assets of central and local press companies. In the communist period there were two state distribution networks: Posta Moldovei and Moldsoiuzpeciati. Posta Moldovei is now a state network with the biggest distribution system, covering the entire territory of the Republic of Moldova. In 1994, Moldsoiuzpeciati became a joint stock company, Moldpresa, with state share capital. Moldpresa’s distribution system consists of 100 news stands in the capital city and urban areas. Posta Moldovei and Moldpresa hold monopolies, and they charge up to 40-45 percent of the cost of production for their services.

2.1 PROTECTION OF NATIONAL ATTRIBUTES IN MEDIA REGULATION

Before 1991, Moldova had never existed as an independent nation-state within its present borders. On 27 August 1991, Moldova became independent for the first time. Subsequent
events proved that Moldova’s ethnic majority (65 percent) was and is split internally. While one part of the population considered that independence was a step towards unification with Romania, the “mother-country”, another maintained that Moldova must remain independent because it is the state of the “Moldovan people”. Over the following years the split became more pronounced and shaped not only the political and cultural life of the country, but also the everyday life of individuals, and especially the mass media system. For example, the lingering questions that split the ethnic majority – “Are we Romanians or Moldovans?”; “Is our language Moldovan or Romanian?” – have been mirrored in the paradoxical existence of publications in the same language, but which contained immediately under the title the note: “periodical in Romanian” and “periodical in Moldovan.”

Is the media regulation in Moldova free of bias towards one or another national identity? Is the media legislation able to consolidate the cohesion among the citizens of the same nation-state and to promote ethnic diversity? The answer is no. On the contrary, the specific features of the Moldovan media legislation, like the foreign media ownership rules and the obligation to broadcast 65 percent of the total volume in the official state language, can be understood only in the context of the Moldova’s endeavours to build a nation state.

The Moldovan media legislation differentiates between foreign and local owners/founders. According to the Press Law, foreign individuals or companies may not own more than 49 percent of a print medium. Foreign governments are banned from proffering any support to the print media, except in cases where bilateral agreements to this effect exist between the Moldovan and another government. Also, only a citizen of Moldova may be editor in chief of a publication or news agency. In the case of broadcast media, foreign ownership is banned, except when a broadcaster is a joint venture containing both Moldovan and foreign capital (no quotas specified).

A series of articles from the Audio-visual Law address the creation and protection of a local/national audio-visual space. The first five criteria for granting the available frequencies are: the originality of programming, with the purpose of assuring the development of a national/local audio-visual space; the prospects for creating a network with a large territorial coverage; the amount of in-house production in the broadcast volume; the amount of national production in the total broadcast volume; the priority of programs in the official state language; the propagation of the national culture of the “Moldovan people and cohabitant ethnic groups.”

The Audio-visual Law abounds in content regulation, with these stipulations referring, for example, to the language of the broadcast media and the volume of original local programming in the total broadcast volume. Article 13.3 thus stipulates: “Audio-visual institutions, public or private, shall broadcast at least 65 percent of their audio-visual programs
in the official state language. This provision does not extend to the TV programs broadcast via satellite and provided by cable, nor to foreign stations and stations that broadcast in areas compactly inhabited by ethnic minorities.

This article turned to be the most controversial and the most difficult to respect of all the articles of the Audio-visual Law. In September 2000, a NGO of the Alumni of Western and Romanian Universities, CAIRO, addressed a letter to the Broadcasting Co-ordinating Council in which it was pointed out that several private radio and TV stations were not respecting the legal provisions referring to language, mainly Article 13.3 of the Audio-visual Law regarding the obligation to broadcast 65 percent of the total broadcast volume in the state language and, therefore, “violating our (CAIRO’s members) legal right to have programs in the state language.”

CAIRO requested the cancelling of the license for eight radio stations rebroadcasting programs in Russian (Europa Plus, Russkoe Radio, HitFM, Nashe Radio, Serebriannii Dojdi, Radio Nostalgie, Radio d’Or, Radio Monte Carlo) and four TV channels: ORT Moldova, NIT TV, TVC 21, Sun TV (for broadcasting Eurosport and Discovery Channel in Russian, although the Romanian translation was also available).

Because the BCC ignored the request, CAIRO filed a lawsuit against the BCC. In arguing their case, CAIRO’s defence mainly referred to the international media legislation that provides protection for the national languages and to the examples of mature western democracies, like France and Belgium, whose media legislation pursues the protection of national audio-visual space. Both the defenders of the radio stations and the defenders of CAIRO made multiple references to Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The representative of the radio stations argued that CAIRO’s request violated the freedom of expression that is guaranteed in Article 10.1: “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers…” The defence of CAIRO referred to the same article 10.1: “This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.”

CAIRO won the lawsuit. The Court of Appeal obliged the BCC to revoke the license of those eight private radio stations and obliged SUN TV to rebroadcast the Discovery and Eurosport programs in the official state language. However, the victory of CAIRO was short-lived. The Russian language media from both Chisinau and Moscow wrote that CAIRO’s victory violated the rights of the Russian ethnic minority from the Republic of Moldova and human rights in general, and called the CAIRO members “nazis, extremists, unionists” On 29 September 2000, Parliament decided to interpret article 13.3 in the following way: “The stipulation of paragraph (3) of Article 13 of the Audio-Visual Law about the requirement
to broadcast at least 65 percent of programs in the state language refers exclusively to locally-produced programs and does not refer to the transmission time during which programs of foreign channels are re-broadcast by audio-visual institutions, which operate on the territory of the Republic of Moldova.²⁷

CAIRO members and observers of the legal proceedings stated that, from the legal point of view, article 13(3) was and is clear and unambiguous; therefore, the interpretation was not necessary. In their view, the interpretation was made in order to influence the ruling in the CAIRO vs. BCC case, because “the interpretation of a law, unlike an amendment, is retroactive...”²⁸ Indeed, after the interpretation was issued, the Constitutional Court of the Republic of Moldova annulled the decision of the Court of Appeal and the “CAIRO case” was closed. Those eight radio stations and three TV stations won the lawsuit retrospectively.

The CAIRO vs. BCC case shows that the Moldovan media legislation is not neutral with regard to the new state’s search for national identity. Being under an imperative to consolidate the nation-state, legislators feel free to ignore the principles of pluralism.

2.2 STATE SUBSIDIES

Moldovan media legislation does not contain any provision stipulating support for and maintenance of the diversity of media outlets. Article 12 (“Financing”) of the Press Law provides that the State “takes responsibility” for publications for school children and pre-schoolers, the cofounders of which publications are ministries and departments of the Moldovan Government. Also, publications and press agencies “founded by public authorities are financed from the state budget”. Neither the Press Law, nor the Audio-visual Law contains other provisions related to support for media outlets. Activist journalists and media NGOs tried to change this situation by presenting to the Moldovan Parliament new legislative approaches.

In 1999, Parliament adopted the Decision regarding the Concept of state support to and promotion of the mass media for the period 1999–2003.²⁹ The Journalists’ Union from Moldova drafted the Concept and proposed three directions of activity: 1. Reform of the media legislative framework according to international standards; 2. Elaboration of the mechanisms for the implementation of laws: mechanisms of privatisation and mechanisms of tax exemption, preferential tariffs at printing houses, renting of offices for media organizations etc.; 3. The establishment of a normative framework concerning editorial independence, self-regulation, and the relationships between owners and journalists. The reform of the framework presupposed amendments to the current media legislation (including the Law on Sponsorship and Philanthropy and the Law on Advertising) and drafting of the following new legislative acts: Law on the State Support to the Media, Law on
the Public Broadcast Institution; Law on the Social Status of the Journalist, Law on Access to Information.³⁰

According to the second direction of activity proposed in The Concept, the Government was declared responsible for carrying out the privatisation project by providing the national press with assets. The Journalists’ Union proposed two alternative solutions³¹ for privatising the complex known as the “Press House”. (The Press House is located in the center of the capital and until 1990 housed the headquarters of many publishing organizations). According to the first one, the Government was invited to establish a joint stock venture of which it would have been the majority owner in the initial stage, with other shareholders being members of editorial staffs. According to the second alternative, the Government could allocate the Press House to the Journalists’ Union, which would then transform it into a National Media Center. Both initiatives were ignored.

The provisions of The Concept had to be carried out in two stages: the proximal – 1999–2001 – when the concrete mechanisms of privatisation and tax strategies had to be concretised; and the maximal stage – 1999–2003 – in which the laws had to be adopted. However, the only mechanism implemented was the VAT exemption for printing services during the first stage of The Concept. Of the whole set of media laws, only two have been adopted: the Law on Access to Information and the Law on the Public Broadcast Institution. Other drafts have been ignored.

3 MEDIA LANDSCAPE – PROBLEMS OF EXTERNAL AND INTERNAL PLURALISM

Given the framework presented above, one could ask how the Moldovan mass media evolved and developed? How did they pass from a totalitarian media system to a pluralistic one? Probably, the correct answer would be that Moldovan media have developed at “two speeds”. The media outlets could be categorised according to these different dynamics of development. The “slow rate” of change is characteristic of the dailies with national circulation and of broadcast media with national coverage. A “faster rate” of change is characteristic of weeklies, local media and political parties’ publications.
Table 1 NATIONAL DAILIES AND TV CHANNELS

<table>
<thead>
<tr>
<th>NATIONAL DAILIES (4-5 A WEEK)</th>
<th>1990</th>
<th>1995</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MOLDOVA SOCIALISTA</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>founder: The Government of the Republic of Moldova</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SOVIETSKIA MOLDAVIA</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>founder: The Government of the Republic of Moldova</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TARA</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>founded in 1989 by the Popular Front from Moldova</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FLUX</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>founder: Press Group Flux</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>JURNAL DE CHIŞINĂU</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>founder/owner: Jurnal de Chisinau Ltd.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MOMENTUL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>founder Săptîmîna Ltd.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NATIONAL TV CHANNELS</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TV MOLDOVA</strong> (state/public TV)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TVM</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>OSTANKINO</strong> (Russian state/ Public TV)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ORT</strong> (Obscestvenoe Rossiskoe Televidenie - Russian Public Television)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MOLDOVA 1</strong> (public/state TV)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PERVÎI CANAL</strong> (Russian Public TV)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The national TV channels are the same in 1990, 1995 and 2003: the state/public television of the Republic of Moldova is matched by the state/public television of the Russian Federation, which in the post-soviet period “inherited” the state network no. 111 with national coverage. The only change is the variation in these channels’ names. Thus, in 1990 these two institutions were called TVM and Ostankino, in 1995 TVM and ORT (Obscestvenoe Rossiskoe Televidenie - Russian Public Television), in 2003 Moldova 1 and Pervîi Canal.

Moldovan public television is currently in the process of transformation. On 24 April 2002, the Parliamentary Assembly of the Council of Europe adopted Resolution 1280 concerning the functioning of democratic institutions in the Republic of Moldova. Article 10 of the Resolution recommended the transformation of Teleradio Moldova from a state company into a public broadcast entity. In July 2002, Parliament passed the bill proposed by the Moldovan President, although it did not pass the expertise test of the Council of Europe. The journalists and media NGOs now demand that Parliament abrogate the current law and replace it with the Law on the National Public Broadcasting Institution, drafted by the Association for the Electronic Press and recommended by the experts from the Council of Europe as a model for the functional, financial and editorial independence of a public broadcasting institution.

A new TV channel with national coverage, STIL TV, was supposed to start broadcasting in 2001, but it did not manage to go on the air within a year, as the law required. The own-
ers asked for additional time, and the former board of the BCC approved the request. But after a month, the new BCC board withdrew the license of the station following a notification from the General Prosecutor’s Office, which argued that the Audio-visual Law did not provide for the prolonging of the preparation period granted to a broadcast station before it goes on the air. Indeed, according to the legal provisions, this decision was correct. Nevertheless, opinions about the STIL TV case are divided. Some media analysts consider that the withdrawal of the license was a “political order”, their argument being as follows: “The BCC acted according to the letter of the law, but counter to the spirit of the law.”35 In other words, the launching of a new national TV channel would have contributed to the development of the national Moldovan broadcasting sector, which is the main emphasis of the Audio-visual Law. According to the assertions of STIL TV managers, at the moment of license withdrawal they had already invested 18,000,000 lei (approx. EUR 1.2 million).36

Second, media analysts argue that “it is suspicious that amidst the messy conditions reigning in the activity of the private radio and TV stations, the BCC bullied a station not broadcasting yet.”37 And the third argument of media analysts focuses on the fact that in circumstances where the ruling party has a monopoly over the only nation-wide TV station and only the members of the communist ruling party have access to the screen, a new alternative TV station would have been a threat to the authorities.38

In contrast to dailies and television stations, the weeklies and party publications proliferated. It seems that the development of the media system in Moldova followed several patterns, which mirrored the fragmentation of society:
b) Independent Romanian language weeklies with national coverage: Saptamina (1992); Timpul (2001); Accent (2001); Jurnal de Chisinau (1999, became daily in 2003);
d) Separate media systems in the Autonomous Territorial Unit of Gagauz-Yeri and in the separatist region Transnistria.

There is no internal pluralism in the mass media outlets described above, i.e. pluralism of content offered by individual newspapers, TV or radio stations. But there is external pluralism that stems from the differences among particular periodicals, TV and radio sta-
tions. Some media analysts maintain that: “In the Republic of Moldova a unique pluralism has been created: each media outlet shows preconceptions and narrowness of visions to various degrees; however, taken as an ensemble, they re-create the pluralist image of our society. But to perceive this pluralism you have to read, to watch and to listen to everything.” The external pluralism of the Moldovan media seems to be very demanding. Probably, in a fragmented society such as Moldova’s, pluralism has specific meaning: it denotes differentiation along ethnic, linguistic and political lines. From this point of view Moldovan media pluralism is also reductive: it reflects people’s views but people speak out as members of specific ethnic or political groups. A pluralism that would reflect and address individual diversities is a pluralism that is still to be created.

3.1 PLURALISM OR POLARITY

The media system in Moldova is linguistically divided; it could be said that it contains two separate, autonomous media subsystems, one in Romanian and the other in Russian, which include dailies and weeklies with national circulation, electronic media with seemingly national coverage, and even separate media functions. But there are also bilingual editions of periodicals, television and radio programs, practised not only by public television and radio stations but certain private broadcast media as well.

Among Moldovan media entrepreneurs, it is considered that “a good business is a Russian language newspaper.” The main explanations of why this business is considered good are subjective and derived from the professional experience and personal convictions of media people. Take, for example, the most usual explanations: a) the major part of the television audience and readers consists of the population from urban areas inhabited by ethnic minorities or Russian language speakers; b) “tradition” - “there are at least four Moscow dailies which have their traditional readers;” c) the preference of the advertising companies for the Russian language media, etc. Some explanations of the “good business”, as well as of the parallel market, are derived from Moldova’s macro-economic and political situation: the lack of capital investment from the West; the expansion of Russian capital into Moldova, followed by the expansion of Russian commercial media; the pro-Russian orientation of the Moldovan ruling parties; the neo-imperialist strategies of Russia, the old patterns of behaviour and soviet mentality of the audience, etc. Because of the lack of studies, opinion polls and empirical data, these explanations of the parallel media market cannot but be subjective. For example, it is considered that all the economic press is in Russian, because in Moldova “most businessmen are ethnic Russians.” In the absence of empirically collected data concerning the ethnic division of labour in the Republic of Moldova, this type of explanation can be neither true nor false – it remains just an opinion.
The question that arises at this point concerns media pluralism: is the existence of the Romanian and Russian media markets a proof of pluralism? There are two possible answers. For the time being, the linguistically divided media seem to confirm the principle, “the medium is the message.” In other words, criticism of the Russian Government or of Moscow’s foreign politics, and commentaries on the benefits of Moldova’s European orientation, are very rare in the Russian media from Moldova. On the other hand, in line with the “mirroring function” of the media, it could be said that the linguistic preferences of Romanian and Russian language speakers in the Republic of Moldova are mirrored by the mass-media system. This indeed is one criterion for media pluralism, but this pluralism is a weak one. It is widely accepted that the mass media have more than just a mirroring function in society: in such a case, the media would have only a conservative role. Moreover, the media have their fundamental, “watchdog” role – a critical stance pointing to the abnormal aspects of a society. In addition, media pluralism should not be merely a mirror of the existing situation - media should improve the chances of every individual to be heard. In this context, pluralism supposes equal access to media for everybody. Therefore, bilingual pluralism is not an adequate pluralism because in the Republic of Moldova, beside the Russian ethnic minority, there are speakers of other languages, but these languages are heard in an inadequate way.

4 MEDIA MARKET

4.1 REGULATORY PROVISIONS ON TRANSPARENCY

In Moldova, provisions concerning transparency of the mass media pertain to information that has to be provided for the audience and information required by the authorities that supervise the activity of media.

The information for the audience is minimal: the Press Law requires that each issue should contain the title of the publication, the founders, the circulation, the registration number, the price and other technical data (Art. 13(1)). It further obliges the publisher to publish, two times a year, in January and in July, information about the amount of support, including non-financial support, received from natural and legal persons from Moldova and abroad. The Audio-visual Law also provides the audience with minimal information: the title, the place of the administration office, the broadcasting frequency, and the institution’s symbols (Art. 12).

The information for the authorities has to be rather detailed. In order to participate in a tender for frequency allocation, every applicant should present a file containing the following documents: a copy of the Registration Certificate issued by the Chamber of State
Registration; a copy of the statute of the founder associations; a declaration about the direct or indirect participation of capital in the share capital of other companies; a list of financial sources. Therefore, the Broadcasting Co-ordinating Council (BCC) has access to the basic financial and ownership information about the candidates in competition for the available frequencies. Also, the private audio-visual companies are under obligation to present, at the end of each year, a report on activities to the authority that issued the license. But there is no provision that would oblige the BCC to communicate to the audience at least part of this information.

There is no separate autonomous authority responsible for the supervision of the anti-concentration and transparency regulations. This role is partially performed by the BCC, which has to check all aspects of the private broadcast companies, including ownership and concentration, at the moment of license issuing and to review these data every three/five years when the broadcast license has to be renewed.

### 4.2 MEDIA OWNERSHIP STRUCTURE

On the following pages we will perhaps for the first time since their foundation present ownership structure of the main Moldovan media. However, this is a minimal step towards transparency, because here we do not disclose company accounts, sources of media revenue, or changes in capital, but only the owners and shareholders of the main independent media outlets.

<table>
<thead>
<tr>
<th>MEDIA TITLE</th>
<th>YEAR OF FOUNDATION</th>
<th>CIRCULATION</th>
<th>OWNER</th>
<th>SHAREHOLDERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLUX independent daily</td>
<td>1996</td>
<td>39,700</td>
<td>FLUX LTD.</td>
<td>ROSCA IURIE (99%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>DELEU IURIE (1%)</td>
</tr>
<tr>
<td>TIMPUL independent weekly</td>
<td>2001</td>
<td>15,723</td>
<td>TIMPUL INFO MAGAZIN LTD.</td>
<td>TANASE CONSTANTIN (10%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TVERDUN LEONID (45%); MEDIA NOUA LTD. (45%); OWNERSHIP STRUCTURE WITHIN MEDIA NOUA LTD; MEGADAT COM LTD. -100%</td>
</tr>
<tr>
<td>JURNAL DE CHISINAU free newspaper</td>
<td>1999 AS WEEKLY; BECAME DAILY IN 2003</td>
<td>10,850</td>
<td>JURNAL DE CHISINAU LTD.</td>
<td>SINGLE SHAREHOLDER: BUTNARU VALENTIN</td>
</tr>
<tr>
<td>ACCENTE free weekly</td>
<td>2001</td>
<td>5,400</td>
<td>ACCENTE LTD.</td>
<td>SINGLE SHAREHOLDER; TIRA DUMITRU</td>
</tr>
</tbody>
</table>
### Table 3 PRINT MEDIA IN RUSSIAN LANGUAGE

<table>
<thead>
<tr>
<th>MEDIA TITLE</th>
<th>YEAR OF FOUNDATION</th>
<th>CIRCULATION</th>
<th>OWNER</th>
<th>SHAREHOLDERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>KOMSOMOLSKAIA PRAVDA V MOLDOVE daily</td>
<td>1995</td>
<td>51,190</td>
<td>Moldovan-Russian joint venture</td>
<td>JOINT STOCK IZDATELSKII DOM KOMSOMOLSKAIA PRAVDA (RUSSIA) (65%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>IVANCENCO SERGEI (17.5%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PRIMAC VASILE (17.5%)</td>
</tr>
<tr>
<td>MOLDAVSKE VEDOMOSTI bi-weekly</td>
<td>1995</td>
<td>6,500</td>
<td>MOLDAVSKE VEDOMOSTI LTD.</td>
<td>CIUBAȘENCO DMITRII (50%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EDU ION (50 %)</td>
</tr>
<tr>
<td>KOMERSANT PLUS weekly</td>
<td>2001</td>
<td>5,000</td>
<td>KOMERSANT PLUS LTD.</td>
<td>BURLACU SVETLANA (70.5%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PODELELOVA TATIANA (30.5%)</td>
</tr>
</tbody>
</table>

### Table 4 BROADCAST MEDIA

<table>
<thead>
<tr>
<th>MEDIA TITLE</th>
<th>OWNER</th>
<th>SHAREHOLDERS</th>
<th>COVERAGE AREA</th>
<th>AMOUNT OF DAILY BROADCASTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRO TV</td>
<td>Moldovan – Romanian joint venture MEDIAPRO LTD.</td>
<td>CME ROMANIA B.V., HOLLAND (48%)</td>
<td>CHIŞINĂU</td>
<td>1 HOUR: ROMANIAN &amp;RUSSIAN LANGUAGE NEWSCASTS</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>23 HOURS - REBROADCAST PRO TV ROMANIA8</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>THE STATE NETWORK NO. III8</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20 HOURS - REBROADCASTING TV CHANNELS NTV AND TV TZENTER FROM RUSSIA8</td>
</tr>
<tr>
<td>NIT TV</td>
<td>Moldovan-Irish joint venture NOILE IDEI TELEVIZEATE LTD. (New Televised Ideas)</td>
<td>WORLD ASSETS LTD., IRELAND (89.97 %)</td>
<td>CHIŞINĂU</td>
<td>2 HOURS - NEWSCASTS AND ANALYTICAL PROGRAMS,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20 HOURS - REBROAD-CASTING THE RUSSIAN PUBLIC TV CHANNEL PERVERI CANAL8</td>
</tr>
<tr>
<td>PERVII CANAL STUDIO PERVÎI KANAL</td>
<td>Joint stock ANALYTIC MEDIA GROUP (100 %)</td>
<td>THE STATE NETWORK NO. III8</td>
<td>1 HOUR - NEWS AND ADS.</td>
<td>23 HOURS - REBROAD-CASTING THE RUSSIAN PUBLIC TV CHANNEL PERVERI CANAL8</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>REBROADCAST THE RUSSIAN RADIO STATIONS RUSSKOE RADIO 1 AND RUSSKOE RADIO 28</td>
</tr>
<tr>
<td>RADIO STATION POLIDISC</td>
<td>Commercial studio RADIO POLIDISC LTD.</td>
<td>GALUPA VALERIU (55 %)</td>
<td>TWO CHANNELS IN CHIŞINĂU AND TWO IN OTHER CITIES85</td>
<td>1 HOUR - NEWS AND ADS.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>AN ADVERTISING COMPANY.</td>
</tr>
<tr>
<td>RADIO STATION HIT FM</td>
<td>Studio for production and creation DIXI-MEDIA GRUP LTD.</td>
<td>LOZOVAJANA (75 %)</td>
<td>NATIONAL COVERAGE BASED ON 6 FREQU IN DIFFERENT LOCALITIES89</td>
<td>1 HOUR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>RUSSIAN RADIO STATION 'HIT FM'</td>
</tr>
</tbody>
</table>

Source: Chamber of State Registration.

334 MEDIA OWNERSHIP AND ITS IMPACT ON MEDIA INDEPENDENCE AND PLURALISM
3.3 FLUX MEDIA GROUP - PRESS GROUP WITH A MISSION

GP FLUX owns the press agency Flux, the national daily Flux, and the publishing house Flux. This group owned another daily, Țara, founded in 1989, which folded in January 2003. GP FLUX opened several local branches of Flux daily: Flux de Orhei, Flux de Ungheni, Flux de Bălți (no longer published). Nevertheless, GP FLUX cannot be considered a case of vertical concentration, because the distribution network and the advertising company are missing. GP FLUX belongs to the most influential opposition party, the Christian Democratic Popular Party.

The Press Group Flux first appeared in 1995, when the press agency Flux was founded. The periodical Flux was launched in March 1996. The daily, as well as the agency, declared itself completely free and independent. The editorial staff did not know who the real owner was; the editor in chief assured journalists that the newspaper was “completely free”, although journalists had many reasons to be suspicious about their independence. It was a sensational disclosure when it was discovered in 1998 that the real owner of the Flux newspaper was the leader of the main political party. After the disclosure, the editorial staff, together with the Editor in Chief, Val Butnaru, left and created, in 1999, a new independent periodical, Jurnal de Chisinau. In 2001, the second editorial staff of Flux, together with the Editor in Chief, Constantin Tanase, left and created another independent weekly Timpul. Therefore, the current main independent newspapers “attended the same Flux school, which can be considered the pioneer of journalistic novelties in Moldova.”

This press group does not hide its mission; on the contrary, it is clearly stated that “although it seeks to reflect the reality in Moldova in its complexity and diversity, the newspaper is unequivocal about Moldova’s total integration into pan-European bodies and its unification, through democratic processes, with Romania.” For a country in which one part of the population is longing for the rebuilding of the Soviet Union (the promise given during the last election by the victorious Communist Party), the political orientation expressed above is not neutral. Because of the clear political orientation of this press group, there is an acceptable level of transparency of ownership in it compared with other media outlets.

3.4 CROSS-OWNERSHIP

An example of cross-ownership is a media holding whose cofounders/owners are WORLD ASSETS LTD. (Ireland) and NOVOSTI LTD. (Moldova). This media holding included TV channel NIT, the Press Agency Interlic and the periodicals Delovaia Gazeta, Kishiniovskie Novosti, Patria Tînără and Molodioj Moldovi. The last two newspapers ceased to be published because “they did not find an adequate community of readers”, as some analysts argue. Unlike GP FLUX, this holding does not clearly state its name and identity. However, all media outlets owned by this holding list the same founders.
In this context it should be mentioned that the Director of NIT TV, Serghei Drobot, has been a member of the BCC since July 2001; he was appointed to this post by the President of the Republic of Moldova. According to media observers, Serghei Drobot’s BCC membership is a violation of the Audio-visual Law, Art. 33, which stipulates that “BCC members shall not be involved directly in the production of programs in any broadcasting institutions over that period.” This violation of the Audio-visual Law was the subject of an investigation pursued by the Tara and Flux dailies.

4.5 “INDEPENDENT SPONSORED MEDIA”

According to data from the Chamber of State Registration, the main media outlets are owned by limited enterprises. The shareholders in these enterprises are members of the editorial staff. Most of the owners are unknown to the public, the only exception being the owner of the Flux Daily, Iurie Rosca (a 99 percent owner), who is the leader of the Christian Democratic Popular Party.

From the data about shareholders it is impossible to identify the three biggest media owners. The explanation is that concentration and monopolisation of the mass media did not take place, because of the political, linguistic and ethnic fragmentation that characterizes the Republic of Moldova. Perhaps, the linguistic and ethnic homogeneity is not a condition of media concentration. But the market mechanisms needed to sell, buy, merge or take over a company are indispensable in order to have concentration and monopolies. However, there are no cases of purchases, mergers or takeovers of media outlets in Moldova. Rather, this peculiar market is characterised by other phenomena such as sudden appearances and disappearances of media outlets, determined mainly by electoral cycles and sponsors’ interests. The mechanisms of sponsorship and donations for mass media are not clearly specified in the current legislation. The Law on Sponsorship and Philanthropy does not differentiate between media outlets and other objects of sponsorship. The phenomenon of sponsorship confirms (proves) the existence of the “hidden owners.” For example, Dmitrii Ciubasenco, the Editor in Chief of the Moldavskie Vedomosti, states that “the newspaper’s income consists of several constitutive parts: sales and advertising revenues, subscription and sponsorship. The sponsorship accounts for up to 30 percent of income. Thus, we are un-lucrative, but not completely.” Asked why he does not publish the photos of sponsors and articles praising them on the first page of each issue, he answers: “There is not only one person supporting our newspaper, but several of them. They would consider it nonsense to appear without reason on the first page.”

According to Article 14 of the Law on Sponsorship, the beneficiaries have the right but not the obligation to communicate to the audience the name of the sponsors and the objectives of sponsorship, and only with the consent of those who gave the money.
cause of the lack of transparency, the sponsorship of mass media appears to be in contradiction to the principles of a free press. The Journalists’ Union and other media NGOs have asked several times for amendments to the Law on Sponsorship in order to increase the level of transparency.

How independent is a sponsored media outlet? Or, could we say that the main problem of sponsorship is not independence but the lack of business initiative, as some argue: “Media people are more comfortable when they are under the wing of someone who takes care of the money, and they can work without any concerns about how to finance their own paper. The absence of business tradition prevents an orientation towards profit making.”

Although this explanation is somehow understandable, the new concept of an “independent sponsored media,” cannot be accepted: “This mentality needs to be changed quickly, otherwise there will be no independent media.”

5 MEDIA INDEPENDENCE

5.1 BETWEEN THE STATE AND THE OWNER

In Moldova editorial independence has turned out to be the last hope for media pluralism. When it is not possible to achieve media pluralism through state protection of freedom of expression, or through real economic independence from the owners-sponsors, the last hope is that journalists will compensate for it through their professionalism and ethics.

How legitimate is this “last hope”? First, the legislative framework does not provide for it, because it does not contain any clear provisions concerning editorial independence. Editorial independence is mentioned only in the Press Law. The statute and basic principles of the publication are adopted by the assembly of the editorial staff and approved by the founders/cofounders (Art. 10). The relations among founders, editors and the editorial staff are regulated by “the Press law, the Labour Code, the statute of the periodical and the in-house contract” (Art. 9). The in-house contract is signed between the founder (editor) and the editorial staff, and it stipulates the volume of expenditure necessary for the production, the distribution of income among the editorial staff and editors, without specifying the character of the relation between the owner and the journalist.

The interference of the state in the activity of the media resolves the dilemma regarding editorial independence from the owners. After the last parliamentary election (February 2001), when the Communist Party won the majority of seats in Parliament (71 of 101 altogether), the interference of the state in the media, both public and private, was very frequent. The journalists protested repeatedly against state interference through strikes, picketing, and protest marches. Owing to the protests and appeals of journalists...
addressed to international organisations, the case of Teleradio Moldova was debated at a special meeting of the Parliamentary Assembly of the Council of Europe (24 April 2002), which obliged the state to transform this state-run company into a public one.

In the case of private media, the state does not intervene in the content, but it employs different administrative sanctions including bans on publication (Kommersant Moldovi, 2001), TV and radio station license withdrawals and suspensions (Vocea Basarabiei, 2003), jamming (Catalan TV, 2001), or intimidation of editorial staff by requiring them to leave the Press House, where most of the newspapers and periodicals have their offices. The latest controversial example in this series is that of the Timulp weekly. On 6 February 2004, the Court from the central sector of Chisinau city sequestered its assets and accounts, although the editorial staff did not know that the subjects of their investigative article - the Moldovan government and a private company – had filed a lawsuit.¹⁰⁸

The Moldovan authorities prefer to apply only the ultimate penalties for all media irregularities. The only penalty provision in the Press Law envisaged for all kinds of violations is a ban on a publication. Only the General Prosecutor may institute legal proceeding regarding cessation (Art. 7(3)). The General Prosecutor used this right to terminate the activity of the weekly Komersant Moldovî, on the ground of its “supporting the anti-constitutional regime of the self-proclaimed separatist Transnistrian republic” (a separatist region of the Republic of Moldova since 1990).¹⁰⁹ In the case of the broadcast media, the bcc is entitled to apply the following administrative sanctions: 1) fines; 2) suspension of the broadcasting license or the authorisation license; 3) cancellation of the broadcasting license or the authorisation license. The most frequently used sanction is the suspension and cancellation of the license, because the amount of the fine and the application procedure are not concretised in the Administrative Contravention Code.¹¹⁰ For example, on 3 February 2004, the bcc, invoking formal pretexts, suspended the licenses for EURO TV and Antena C in response to the failure of their owners – the City of Chisinau – to adjust their status to legal provisions. The new legal status was elaborated, but the Municipal Council, being politically divided between communists and democrats, could not approve it. The suspension is considered as a violation of freedom of expression.¹¹¹

While it is true that journalists working for private media outlets only rarely protest against their owners’ interference, such protests do occur. For example, in May 2001, a group of journalists from Argumenti i Facti Moldova resigned in protest at what they claimed was arbitrary dismissal of their editor in chief, Valentia Usakova. She states that her “only fault was the refusal to publish propaganda during the election campaign despite orders from the paper’s owner.”¹¹² The pressure on journalists exists and not only during election periods. In January 2003, Nicoleta Bodrug, a journalist from Pervii Canal, resigned in protest over interference with content. The managers objected repeatedly that in
her press reviews she gave too much attention to articles featured in *Timpul, Jurnalul de Chişinău, and Flux*, rather than to the governmental newspapers *Moldova Suverana* and *Nezavisimaia Moldova.*\(^{13}\)

### 5.2 SELF-REGULATION

Journalists and owners of private media protest against state interference in the media, but they show much less agreement on independence within their own editorial offices. The owners can choose the orientation of the newspaper, while the journalist has to respect professional ethics. In an attempt to find an equilibrium between the interests of journalists and owners, the Press Law, although more suitable for abrogation, nevertheless stipulates that the editorial staff should adopt statutes which should specify the rights and obligations of journalists, editors and owners. Also, the activity of every journalist should be specified in a bilateral contract. According to an opinion poll among journalists carried out by the Independent Journalism Center in 2002, 64 percent of respondents had signed a contract with the owner and 36 percents did not have such a contract.\(^{14}\) Also, 60 percent of respondents considered that they were not protected against persecution; 35 percent thought they were partially protected, and five percent felt completely protected.

One attempt of journalists to regulate the relations between journalists and owners was the *National Convention concerning the activity of journalists* drafted in 1999 by the Journalists’ Union. This Convention, which was submitted as a bill, regulated all aspects of journalists’ activity: employment, labour conditions, payment, social support in different situations and resignation. The Convention was sent to the Government, but the Government sent it on to the ministries and trade unions. The text was modified, and the final document, "Collective labour contract (branch level) for the years 1999–2001," adopted by the National Committee of Trade Unions and approved by the Ministry of Labour and Social Protection, does not resemble the original. Although the document concerns all media employees, it is not a law, and the parties concerned did not find it compulsory. The document was ignored by both journalists and owners, especially because most of the journalists are not members of the trade union.

This document having been ignored, the only mechanism of self-regulation remains the Code of Ethical Principles. On 4 May 1999, the congress of the Journalists’ Union from Moldova endorsed a new Ethical Code of Journalists from the Republic of Moldova, based on the recommendations of the Council of Europe and the International Federation of Journalists. Eleven journalists’ associations from Moldova, with the aim of gaining it national recognition, countersigned the Code. According to the Code, no matter what the relations with the public authorities or various businesses in the course of carrying out his professional duties, the journalist ought to avoid any complicity that may affect his inde-
pendence and impartiality. And, in the case that any assignment should violate the principles set in the code, the journalist must reject the assignment. In order to render applicable the principles set in the code, the journalists created a monitoring mechanism, the National Council for Professional Ethics, whose members are renowned journalists elected by the Congress of Journalists. The Council issues expert adjudications in litigation involving the journalist himself and/or the product of his professional activity. But, as the members of the Council have observed, “in the circumstances of ideological censorship, of party dictatorship and economic austerity, ethical self-regulation may not be objectively functional.”

5.3 INVESTIGATIVE REPORTING

In Moldova no private media outlet, not to mention any state media, encourage investigative reporting, although in some cases some articles resembling investigative reporting have been published with the purpose of compromising political opponents.

In the last two years, investigative reporting began to be encouraged by international foundations and NGOs. For example, in 2002–2003 there was a series of investigations about human trafficking, sponsored by the Moldovan Soros Foundation. During one year - October 2002 to October 2003 – the Association for Independent Press (API) carried out the project “Investigative reporting on corruption and organised crime,” supported by the French Embassy in Moldova. During the project, two articles were published every month in each of those 16 periodicals, members of API, mainly local newspapers. Now the API has created a Center for Investigative Reporting with the support of the National Endowment for Democracy (USA).

Even though, with external support, investigative reporting could be carried out in Moldova, the impact of this risky media genre seems to be very peculiar. As the reporters from the API say, there is a lack of reaction on the part of the authorities, civil servants and other persons whose activities are the subject of investigation. “We proved clearly that a counsellor of the President was implicated in an enormous corruption affair, and no reaction from the authorities followed.” The findings of investigative reporting are completely ignored. On the contrary, as reporters noticed, sometimes the state-run periodicals react by publishing articles praising the persons and institutions that have been exposed. The general conclusion is that investigative stories expose journalists to many risks that are considered unjustified, relative to the expectations of action in response.
6 CONCLUSIONS

In Moldova, it is “special enemies” rather than the cycles of media markets that pose a threat to media freedom and pluralism. An almost totalitarian communist government and a soviet-style understanding of media as propaganda tool rather than business are the current enemies. The legal framework and the facts show that in the Republic of Moldova media are not conceived in market terms. Media offerings are shaped not to serve consumer needs, but to obey the requirements of financial subsidisers. Nevertheless, in the Republic of Moldova media pluralism does exist, mainly an external media pluralism, which is accessible to journalists, media analysts and researchers, but not to the large audience, who still receives partial information. This situation suggests a market vacuum that might be filled by a new arrival taking a different approach. But the macroeconomic misdevelopment remains; moreover the powerful forces now in control do not permit the changing of the status quo.

The media system in Moldova is determined by the political oscillations of the new state: the need to construct a nation-state and to respect ethnic minorities, and the impulses towards European integration hindered by “traditional” links with eastern (post-soviet) partners. The Moldovan media are also shaped by the general macroeconomic situation of the country. The mass media cannot function as a market when other aspects of the market do not work properly, for example, when the shadow market is still powerful, or when the majority of people chronically lack income (which reduces their newspaper buying power).

Research on ownership concentration in Moldova is premature research. The concentration studies and anti-concentration measures would be valid and functional in a society where democracy works and, more importantly, where the market works. The case of Moldova reminds us that a free media, a free market and democracy are fundamentally related.
NOTES

1 The Audio-visual Law, no. 603-xiii of 3 October 1995. See The Official Monitor, no. 70, 14 December 1995; Art. 5.
2 See the Audio-visual Law.
3 The Decree of the President of the Republic of Moldova concerning the measures for supporting the press, Monitor, no. 4, 30 April 1992.
12 The Association for Broadcast Media (APEL) was founded in September 1999 by 9 audiovisual institutions, mainly private TV and radio stations in Romanian. APEL also includes two public institutions founded by the City of Chisinau - Antena C and Euro TV. APEL’s current activities include monitoring the activities of broadcast media in Moldova (while appealing to public and political figures on the national, European and world levels to facilitate the process) and attempting to bring the regulatory framework for the broadcast media in line with a democratic society’s standards. See <http://www.acces-info.org.md/sirb.htm> (accessed on 18 December 2003).

13 Interview with Victor Osipov, Executive Manager of APEL (Association for Broadcast Media), Chisinau, 4 December 2003.
14 Moldpresa is a joint stock company (not a limited company), and, according to Moldova’s legislation, the registration of shareholders of joint stock companies is kept by Independent Registrars. Only shareholders have the right to request information and only with the approval of the whole group of shareholders. Every attempt to obtain information on Moldpresa SA failed.
15 GP FLUX, which publishes the Flux daily, tried to create an alternative national distribution network. Because of financial difficulties, the GP FLUX asked other periodicals to join this initiative. Other dailies refused to contribute because “Flux has a different political orientation”; weeklies too were not interested in contributing to a network of dailies, and Russian language print media have subscribers mainly in the urban areas where representatives of the Russian ethnic group are concentrated; therefore they are not very interested in creating a network which would distribute newspapers in the “God-forsaken villages”. See Val Butnaru, ”Sa asteptam pina le va veni mintea la cap”, in Mass-Media in Moldova. Analytical Bulletin, June 1999, pp. 11–12.
16 The existence of a Moldovan language was assumed by the soviet ideologists who tried to justify the Soviet annexation of the Romanian territories in 1940. Despite their relative success in imposing the expression “Moldovan language”, on 31 August 1989, Moldova adopted the Latin alphabet and in 1991 changed the name of the spoken language from “Moldovan” to “Romanian”. But, five years later, the second Parliament elected in 1994 in free democratic elections changed the name of the state language back to “Moldovan” (Constitution, Article 13). This was the beginning of the linguistic battle. International conferences, symposia, and workshops were organized to demonstrate that the language spoken in Moldova was, in fact, Romanian. This scientific proof, however, did not convince everybody that that their language was not Moldovan and was not very different from Romanian. There is no simple choice when it comes to naming a language. The intellectual elite and European oriented part of the population call the language “Romanian”; those hostile to the democratic rigors
call the language “Moldovan”. Choosing one name over another leads to different behavior: those who believe their language to be Moldovan would read different newspapers, listen to different radio stations and watch different TV stations than those believing their language to be Romanian. Therefore, in this report when referring to the legal and official aspects of the spoken language the expression “the official state language” is used.

17 Literatura si arta (founder - the Writers’ Union from Moldova), Tara (founder: the Popular Front from Moldova).

18 Moldovanul and Pamint si Oameni - periodicals of the Moldovans Party and the Agrarian Party, no longer published.


21 Criteria for granting the licences and authorisation decision. See <http://www.cca.md/legislatie>.


23 According to the last census (1989), 35 percent of the Moldovan population are ethnic minorities, of which only 13 percent are ethnic Russians.

24 The Cairo Case <http://www.ournet.md/~cairo/stiri/260900_2.html>.

25 Ibid.

26 The campaign was promoted by Komsomoliskaia Pravda Moldova, Arguni i faci Moldova, ORT Moldova; the Russian TV station NTV sent to Moldova a team of expert journalists to monitor the case.


30 Ibid.


33 Law on the national public broadcasting, Teleradio Moldova, no. 1320.-XV/26 July 2002.

34 Draft proposed by Association of Broadcast Media APEL.


37 Ibid.


41 The press’ practice shows that in the framework of the bilingual newspaper - Romanian-Russian - the circulation of the Russian edition increase. Take, for example, the circulation of the two language versions of the newspaper Comunistul/Kommunist in 2003 - the Romanian version, Comunistul, was printed in 2,000 copies on publication day, while its Russian version, Kommunist, was printed in 19,000 copies. But there is also the conviction that only the Comunistul/Kommunist, proves this assumption.


Ibid.

The Press Law, art. 12.3.


Data on shareholders were obtained exclusively from the Chamber of State Registration during the November and December 2003. The data were received upon requests made separately for each media outlet. According to the internal procedure of the Moldovan Chamber of State Registration, a natural person can request information about only three different companies per day. The requested information is issued after three days.

*Flux* is published four times a week; the Friday edition is larger and includes a digest of the other three editions of the week. The newspaper’s credit box shows a weekly circulation of 39,000.

Certificate 05/03-1816 issued by the Chamber of State Registration of the Republic of Moldova, 9 December 2003.

Ibid.

Information provided by the publishers in the “credit box” as required by the Press Law; October – December 2003.

Certificate 05/03-1817 issued by the Chamber of State Registration of the Republic of Moldova, 9 December 2003.

Certificate 05/03-1880.

Information provided by the publishers in the “credit box”; October – December 2003.

Information provided by the publishers in the “credit box”; October – December 2003 and the Certificate 05/03-1859 issued by the Chamber of State Registration of the Republic of Moldova, 9 December 2003.

Certificate 05/03-1859 issued by the Chamber of State Registration of the Republic of Moldova, 9 December 2003.

Information provided by the publishers in the “credit box”; October – December 2003.

Information provided by the publishers in the “credit box”, October – December 2003 and the Certificate 05/03-1815.

Certificate 05/03-1815 issued by the Chamber of State Registration of the Republic of Moldova, 9 December 2003.

Information provided by the publishers in the “credit box”, October – December 2003.

Certificate 05/03-1713 issued by the Chamber of State Registration of the Republic of Moldova, 09 December 2003.

Ibid.

Information provided by the publishers in the “credit box”, October – December 2003.

Certificate 05/03-1861 issued by the Chamber of State Registration of the Republic of Moldova, 9 December 2003.

Ibid.

Information provided by the publishers in the “credit box,” October – December 2003.

Certificate 05/03-1860 issued by the Chamber of State Registration of the Republic of Moldova, 9 December 2003.

Ibid.

Certificate 05/03-1881 issued by the Chamber of State Registration of the Republic of Moldova, 9 December 2003.

Ibid.

The list of radio stations with transmission over-the-air, RCC, 16 October 2003.


Certificate 05/03-1875 issued by the Chamber of State Registration of the Republic of Moldova, 9 December 2003.

Ibid.

The list of radio stations with transmission over-the-air, RCC, 16 October 2003.

Certificate 05/03-1874 issued by the Chamber of State Registration of the Republic of Moldova, 8 December 2003.

Ibid. According to Moldova’s legislation, the registration of shareholders of a joint stock company is kept by Independent Registrars. Only shareholders have the right to require information and only with the approval of the whole group of shareholders. In the case of Analitic Media Grup SA, the registrar is SCONTA LTD. Every attempt to obtain information on Analitic Media Grup SA from SCONTA LTD failed.

The list of TV stations with transmission over-the-air, BCC, 16 October 2003.


Certificate 05/03-1882 issued by the Chamber of State Registration of the Republic of Moldova, 9 December 2003.

Ibid.

The list of radio stations with transmission over-the-air, BCC, 16 October 2003.


Ibid.

Certificate 05/03-1873 issued by the Chamber of State Registration of the Republic of Moldova, 9 December 2003.

Ibid.

The list of radio stations with transmission over-the-air, BCC, 16 October 2003.


Interview with Alina Radu, freelance writer, formerly journalist at Flux Daily, Chisinau, 15 October 2003.


107 Ibid.
110 For example, Decision no. 17/23 October 2001; the BCC cancelled the license # 143 of 29 August 2000, issued to the association TEMMA for the radio station Radio d’Or, rebroadcasting a Russian radio station Avtoradio; another example: Decision # 27/23 May 2000 of BCC cancelled a previous decision (no. 85, 26 October 1999) issuing a license for Emico LTD., the owner of the radio station Vocea Basarabiei, which rebroadcast Voice of America, Radio Free Europe/Liberty, Radio BBC; information/report offered by BCC.
113 <http://www.acces.info.org.md/eveniment_25_1_februarie_03.htm>.
116 Interview with Cornelia Cozonac, reporter, Center for Investigative Reporting, Association for Independent Press, Chisinau, 8 December 2003.
117 Ibid.