



**Organization for Security and Co-operation in Europe
The Office of the Representative on Freedom of the Media**

**LEGAL ANALYSIS ON THE LAW ON AMENDMENT OF THE CODE OF AUDIOVISUAL
MEDIA SERVICES OF THE REPUBLIC OF MOLDOVA**

Commissioned by the OSCE Representative on Freedom of the Media
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Executive summary

This analysis examines the Law on amendment of the Code of Audiovisual Media Services of the Republic of Moldova, no. 174/2018 (Official Gazette of the Republic of Moldova, 2018, no. 462–466, art. 766). These amendments were adopted in the form of an Organic Law (no. 158) on 4 November 2021. The amendments focus on increasing the parliamentary control of both TeleRadio-Moldova and the Audiovisual Council.

The Director General is a fundamental element in the managing system of TeleRadio-Moldova (hereinafter, TRM). The Director General does not have the “political” profile, he/she is not subject to the same accountability as the Board. Therefore, it is not reasonable or justified to subject the Director General to the political choice of the Parliament, including the decisions regarding his/her appointment, the assessment of his/her performance and his/her dismissal. It is recommended that amendments on these matters are repealed in order to avoid the establishment of any direct mechanism of control or supervision of the Director General by the Parliament, instead of control by the Supervisory and Development Board.

Qualifications and requirements to become a member of TRM Supervisory and Development Board are quite vague and general to properly guarantee the professionalism and expertise of the members of the Board. It is therefore recommended to introduce additional and more specific requirements, such as high-level experience in the management of big companies or public entities, experience, and knowledge in the exercise of qualified journalistic, legal, academic, and public service activities, and demonstrable knowledge of the media sector.

The process of nomination of members of the Board appears to promote the participation of different political factions and civil society groups in the selection of the members of the Board. However, it is advised to amend the current version of the law in order to guarantee that the nomination and election process of the members of the Supervisory and Development Board is conducted in a proper, transparent and fair manner, particularly avoiding putting in the hands of the incumbent parliamentary majority the power to adopt the final decisions in this area. The possible advisory role of the Audiovisual Council and civil society regarding the capacity and relevance of all the candidates under consideration is also a reasonable option to be introduced.

The possibility of dismissing individual Board members on the basis of “a finding, identified as a result of the parliamentary control carried out in accordance with the Law, of a defective activity, of an improper execution or of the non-execution of his/her attributions” represents a clear violation of the requirement of legal clarity and absence of political discretion regarding the limitation of the term of members of highest bodies and authorities of public service media. Such scenario may seriously erode the independence and the proper performance of managerial decisions by the members of the Board.

Similar reproaches can be made regarding the provision establishing that the rejection by the Parliament of the annual activity report shall entail the dismissal of the members of the Supervisory and Development Board. The submission of an annual report to the Parliament can be a good accountability tool since it facilitates a proper oversight and exchange about the ways the public service media institutions have interpreted and implemented their role and remit. However, this must not give the Parliament the power

to alter one of the basic pillars of public service governance: independence based on clear mandates of high-level bodies' members. Moreover, preserving a relevant accountability role in the hands of the Parliament does not exclude the responsibility in this field of other bodies, including the Audiovisual Council (in its supervision role of audiovisual media service providers, particularly regarding their legal, license and content obligations) and civil society organisations.

The amendments introduce new provisions regarding the requirements and qualifications to become a member of the Audiovisual Council, as well as their appointment and possible dismissal (at the individual and the whole-body level). These provisions are essentially identical as those already commented and applicable to the highest governance body of TRM.

Main recommendations

- Provisions regarding the appointment, the assessment of the performance and the dismissal of the Director General of TRM must be repealed to avoid the establishment of any direct mechanism of control or supervision of the Director General by the Parliament, instead of the Supervisory and Development Board.
- Provisions regarding qualifications and requirements to become a member of TRM Supervisory and Development Board must be modified to introduce additional and more specific requirements, such as high-level experience in the management of big companies or public entities, experience, and knowledge in the exercise of qualified journalistic, legal, academic, and public service activities, and demonstrable knowledge of the media sector.
- Provisions regarding the process of nomination and election of members of the Board must be amended to guarantee that these processes are conducted in a proper, transparent, and fair manner, particularly avoiding putting in the hands of the incumbent parliamentary majority the power to adopt the final decision. In particular, the election of the members of the Board should require more than a simple majority (that is, 3/5 or 2/3), in order to avoid that the choice lays in the exclusive hands of a ruling parliamentary majority.
- The possibility of dismissing individual Board members on the basis of “a finding, identified as a result of the parliamentary control carried out in accordance with the Law, of a defective activity, of an improper execution or of the non-execution of his/her attributions” must be eliminated from the Code.
- The provision establishing that the rejection by the Parliament of the annual activity report shall entail the dismissal of the members of the Supervisory and Development Board must be repealed, since it gives the Parliament the power to alter one of the basic pillars of public service governance: independence based on clear mandates of high-level bodies’ members.
- New provisions regarding the requirements and qualifications to become a member of the Audiovisual Council, their appointment, and possible dismissal (at the individual and the whole-body level) must also be repealed.

Introduction

The present analysis was prepared by Dr. Joan Barata Mir, an independent media freedom expert, at the request of the OSCE Representative on Freedom of the Media.

This analysis refers to the Law on amendment of the Code of Audiovisual Media Services of the Republic of Moldova.

The structure of the comment is guided by the tasks formulated by the OSCE Representative on Freedom of the Media. These tasks include comments on the Law by comparing provisions against international media standards and OSCE commitments; indication of provisions which are incompatible with the principles of freedom of expression and media; and recommendations on how to bring the legislation in line with the above-mentioned standards.

The analysis first outlines the general international standards on freedom of expression and freedom of information and then presents those referring to audiovisual media services and particularly vis-à-vis public service media. These respective standards are referred to as defined in international human rights treaties and in other international instruments authored by the United Nations, the OSCE and the Council of Europe.

Part II presents an overview of the legislation, focusing on its compliance with international freedom of expression standards. The analysis highlights the most important positive aspects of the Law and elaborates on the drawbacks, with a view of formulating recommendations for its review.

Part I. International legal standards on Freedom of Expression and Freedom of Information

General standards

In Europe, freedom of expression and freedom of information are protected by article 10 of the European Convention on Human Rights (ECHR), which is the flagship binding treaty for the protection of human rights on the continent within the context of the Council of Europe (CoE). This article is not dissimilar with the wording and provisions included in article 19 of the International Covenant on Civil and Political Rights (ICCPR) and is essentially in line with the different constitutional and legal systems in Europe.

Article 10 reads as follows:

“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. This Article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

Freedom of expression and freedom of information are essential human rights that protect individuals when holding opinions and receiving and imparting information and ideas of all kinds. It also presents broader implications, as the exercise of such rights is directly connected with the aims and proper functioning of a pluralistic democracy¹.

On the other hand, freedom of expression and freedom of information, as well as the other rights protected in the Convention, are not absolute and therefore may be subject to certain restrictions, conditions, and limitations. However, article 10.2 ECHR clearly provides that such constraints are exceptional and must respect a series of requirements, known as the three-part test. This test requires that: 1) any interference must be provided by law, b) the interference must pursue a legitimate aim included in such provision, and 3) the restriction must be strictly needed, within the context of a

¹ See the elaboration of such ideas by the European Court of Human Rights (ECtHR) in landmark decisions such as *Lingens v. Austria*, Application No. 9815/82, Judgment of 8 July 1986, and *Handyside v. The United Kingdom*, Application No. 543/72, Judgment of 7 December 1976. 

democratic society, to adequately protect one of those aims, according to the idea of proportionality².

At the OSCE level, there are political commitments in the area of freedom of expression and freedom of information that clearly refer to the international legal standards extant in this area. In particular, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE in 1990 proclaims the right to everyone to freedom of expression and states that:

“This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards”³.

Also, the OSCE Ministerial Council Decision 3/2018, adopted by the Ministerial Council in Milan on 7 December 2018, establishes the following:

“1. Fully implement all OSCE commitments and their international obligations related to freedom of expression and media freedom, including by respecting, promoting and protecting the freedom to seek, receive and impart information regardless of frontiers;

2. Bring their laws, policies and practices, pertaining to media freedom, fully in compliance with their international obligations and commitments and to review and, where necessary, repeal or amend them so that they do not limit the ability of journalists to perform their work independently and without undue interference (...)”⁴.

[International standards with regards to audiovisual communication](#)

General Comment No. 34 concerning Article 19 of the International Covenant on Civil and Political Rights, adopted on 29 June 2011 by the UN Human Rights Committee⁵, states the following (para 39):

“States parties should ensure that legislative and administrative frameworks for the regulation of the mass media are consistent with the provisions of paragraph 3. Regulatory systems should take into account the differences between the print and broadcast sectors and the internet, while also noting the manner in which various media converge. <...> Licensing regimes for broadcasting via media with limited capacity, such as audiovisual terrestrial and satellite services should provide for an equitable allocation of access and frequencies between public, commercial and community broadcasters.”

² See for example *The Sunday Times v. UK*, Application No. 6538/7426 Judgment of April 1979.

³ This document is available online at: <http://www.osce.org/odihr/elections/14304>.

⁴ Available online at: <https://www.osce.org/chairmanship/406538?download=true>

⁵ Available online at: <http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>.

Paragraph 40 of the same document also establishes that:

“The State should not have monopoly control over the media and should promote plurality of the media.” 

Similarly, the international rapporteurs on freedom of expression, including the UN Rapporteur on Freedom of Expression and Freedom of Opinion, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression, have adopted several joint declarations which included relevant provisions and recommendations particularly focusing on audiovisual media services regulation and the role and value of public service media⁶.

There is a valuable and solid interpretative jurisprudence in the CoE, established in the course of decades by the European Court of Human Rights, which also includes the provision of audiovisual media services in their connection with the right to freedom of expression and freedom of information. The case law has stressed the important role of public service media and therefore the need to properly protect its independence (*Manole and Others v. Moldova*, 17 September 2009⁷):

“Effective exercise of freedom of expression does not depend merely on the State's duty not to interfere, but may require it to take positive measures of protection, through its law or practice”

“Where a State does decide to create a public broadcasting system, it follows from the principles outlined above that domestic law and practice must guarantee that the system provides a pluralistic service”

This judgement was precisely adopted in light with the then applicable Moldova's domestic law, stating that it did not provide any guarantee of political balance in the composition of TRM's senior management and supervisory body, nor any safeguard against interference from the ruling political party in these bodies' decision-making and functioning.

Moreover, the Committee of Ministers and the Parliamentary Assembly of the Council of Europe have developed numerous recommendations and declarations that contribute to clarify, to establish and to develop principles, requirements and minimum standards regarding the effective protection of rights included in Article 10 ECHR, in particular vis-à-vis different aspects related to the provision of audiovisual services and public service media (including media pluralism and transparency or media ownership, public service media governance, remit of public service media in the information society, funding of public service media, as well as promotion of democratic and social contribution of public

⁶ See for example the latest Joint Declaration, adopted on 2 May 2018, on media independence and diversity in the digital age, available online at: <https://www.osce.org/representative-on-freedom-of-media/379351>

⁷ Available online at: [https://hudoc.echr.coe.int/eng#{\"itemid\":\[\"001-94075\"\]}](https://hudoc.echr.coe.int/eng#{\)

media, among others⁸). In this area, it is important to underscore the Committee of Ministers Resolution no. 1 on “The Future of Public Service Broadcasting” (1994), the Recommendation no. R(96)10 on “The Guarantee of the Independence of Public Service Broadcasting” (1996), and the Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on public service media governance.

Last but not least, and regarding the role of independent regulatory bodies within the field of audiovisual media services (including the oversight of public service media), in the Appendix to Recommendation Rec(2000)23 on “The Independence and Functions of Regulatory Authorities for the Broadcasting Sector” (2000), the Committee of Ministers stressed the importance for States to adopt detailed rules covering the membership and functioning of such regulatory authorities so as to protect against political interference and influence.

Part II. Overview of the proposed legal reform

Content and scope of the proposed legislation

The legal text that is the object of this analysis is titled “Law on amendment of the Code of Audiovisual Media Services of the Republic of Moldova”. The version used by this expert is the unofficial translation into English provided by the OSCE.

The new text amends several articles included in the Code of Audiovisual Media (hereinafter, the Code) no. 174/2018 (Official Gazette of the Republic of Moldova, 2018, no. 462–466, art. 766). These amendments were adopted under the form of an Organic Law (no. 158) on 4 November 2021.

The Code was adopted in 2018 in order to transpose the Directive 2010/13/UE of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive). Even though the Directive was amended by Directive 2018/1808 of the European Parliament and of the Council of 14 November 2018, the mentioned amendments neither refer nor incorporate into the Code the new regulations introduced by the former. The amendments instead focus on increasing the parliamentary control of both TeleRadio-Moldova and the Audiovisual Council thus weakening the independence and efficiency of their performance.

The most important elements included in this legal reform are the following:

- a) The Director General of TeleRadio-Moldova is now appointed by the Parliament instead of the Board (now called the Supervisory and Development Board), while

⁸ Available online at: <https://www.coe.int/en/web/freedom-expression/committee-of-ministers-adopted-texts> and <https://www.coe.int/en/web/freedom-expression/parliamentary-assembly-adopted-texts>

the latter has only the competence to make a proposal to the Parliament. In case that the Parliament rejects the proposed candidate, the Board, within 15 days of the day of the candidate rejection, shall propose another candidate.

b) The Director General is appointed for a non-renewable mandate of 7 years. The Director General may be dismissed by the Parliament on his/her own initiative, on grounds of an improper execution or non-execution of his/her duties, and in other cases provided for by the Law. The Board proposes to the Parliament the dismissal of the Director General in cases of improper performance or non-performance of his/her duties.

c) New requirements and qualifications to become a member of the Supervisory and Development Board are introduced. The 7 members of the Board (3 members proposed by the parliamentary factions, respecting the proportional representation of the majority and of the parliamentary opposition, and 4 members proposed by the civil society organizations) will be appointed by the Parliament, instead of the Audiovisual Council. Candidatures are submitted to the relevant parliamentary commission which, after hearing the candidates, makes a reasoned decision on their approval or rejection. Once the candidates have been selected, the committee reports to the plenary of the Parliament. The Juridical Parliamentary Committee on appointments and immunities makes a co-report regarding the observance of legal requirements.

d) A new cause of losing the condition of member of the Supervisory Board is added: “a finding, identified as a result of the parliamentary control carried out in accordance with the Law, of a defective activity, of an improper execution or of the non-execution of his/her attributions”.

e) A very important amendment is introduced in article 48, establishing that the rejection by the Parliament of the annual activity report shall entail the dismissal of the members of the Supervisory and Development Board.

f) Qualifications and appointment procedures to become a member of the Audiovisual Council are also amended. These are essentially identical to those established vis-à-vis the Board of TeleRadio-Moldova.

g) Rejection by the Parliament of the annual activity report also entails the dismissal of the members of the Audiovisual Council.

Analysis of the provisions of the proposal in light of applicable international standards

Provisions regarding the Director General of TeleRadio-Moldova

The Director General is a fundamental element in the managing system of TRM. While the Supervisory and Development Board has the overall responsibility of establishing the basic guidelines and orientations, as well as overseeing the performance of the service

provider, the Director General as member of the Management Committee is in charge of the effective implementation and development of services and activities. In the words of the Recommendation CM/Rec(2012)1, the latter play the fundamental role of guaranteeing that the goals and processes of the organisation are turned into practical and outcome-oriented activities.

In this context, it is obvious that the Director General has (or must have) a direct connection and constant interlocution with the Board. In other words, the Director General does not have the “political” profile and he is not subjected to the same accountability as the Board. Once again, the role of the former is to guarantee a proper delivery and a correct management of the general missions, objectives and priorities previously set by the Board according to the law. For all these reasons, and in line with best comparative practices, it is not reasonable or justified to subject the Director General to the political choice of the Parliament, including the decisions regarding his/her appointment, the assessment of his/her performance and his/her dismissal.

Regarding the latter, it is also important to note that the new amendments, and despite the non-binding intervention of the Board in this process, give the Parliament a vaguely defined and widely discretionary power to put an end to the Director General’s mandate on the mere basis of the appreciation of “an improper execution or non-execution of his/her duties” (sic).

Therefore, these amendments will have a negative effect on the proper provision of audiovisual media services in Moldova. Firstly, they “politicise” the technical and independent performance of strictly managerial duties, which may affect the effective and efficient use of resources and capacities, the execution of activities, as well as the effective response to the changing demands of the audience in terms of quality and innovation of content and delivery. Secondly, the amendments will significantly alter the necessary relationship, in terms of direction and accountability, between the Board and the Director General, thus negatively affecting the overall performance, independence and efficiency of TRM as the public service media provider.

In light of all these considerations, it is recommended that the mentioned amendments are repealed in order to avoid the establishment of any direct mechanism of control or supervision of the Director General by the Parliament, instead of control by the Supervisory and Development Board.

[Provisions regarding the Supervisory and Development Board of TeleRadio-Moldova](#)

As it was already mentioned, the amendments also introduce a series of relevant changes regarding the requirements and qualifications to become a member of the Supervisory and Development Board, their appointment, and their possible dismissal (at the individual and the whole-body level). These amendments raise very problematic issues in terms of applicable regional and international standards, based on the following considerations.

Qualifications and requirements to become a member of the Board are still quite vague and general to properly guarantee the professionalism and expertise of the members of the Board. In particular requirements such as holding a “bachelor’s degree or an

equivalent graduation degree”, being “honest” or having “professional skills” and a minimum of 5 years-experience in the fields of “journalism, mass media, culture, cinematography, law, public relations, international relations, the company financial and commercial management, information and communication technology, engineering as well as academic activity” do not suffice in order to guarantee the appointment of qualified professionals capable of adopting high-level decisions regarding the proper and independent management of a public company such as TRM. Recommendation CM/Rec(2012)1 establishes that appointment criteria must be clear and directly related to the role and remit of public service media.

It is therefore recommended to introduce additional and more specific requirements, such as high-level experience in the management of big companies or public entities, experience and knowledge in the exercise of qualified journalistic, legal, academic and public service activities, and demonstrable knowledge of the media sector.

The process of nomination appears to promote the participation of different political factions and civil society groups in the selection of the members of the Board. However, the wording of the text seems to provide the “relevant parliamentary committee” the discretionary and potentially non-transparent power to decide on the approval or rejection of candidates before being considered and voted by the plenary, with the sole reference to a “reasoned decision”. In addition to this, the legal text does not establish the need for any qualified majority regarding the final election of the members of the Board. In line with applicable standards, the election of the members of the Board should require more than a simple majority (that is, 3/5 or 2/3), in order to avoid that the choice lays in the exclusive hands of a ruling parliamentary majority.

Therefore, it is advised to amend the current version of the law in order to guarantee that the nomination and election process of the members of the Supervisory and Development Board is conducted in a proper, transparent and fair manner, particularly avoiding putting in the hands of the incumbent parliamentary majority the power to adopt the final decisions in this area. The possible advisory role of the Audiovisual Council and civil society regarding the capacity and relevance of all the candidates under consideration is also a reasonable option to be introduced.

Regarding the individual and collective dismissal of the members of the Board, it is necessary to underscore that according to applicable Council of Europe standards, appointments of this nature must be made for a specific term and can only be shortened in limited and legally defined circumstances. It is also important to note that appointments and dismissals “must not include differences over editorial positions or decisions” (Recommendation CM/Rec(2012)1).

In light of these standards, as well as the already mentioned case law of the European Court of Human Rights, the possibility of dismissing individual Board members on the basis of “a finding, identified as a result of the parliamentary control carried out in accordance with the Law, of a defective activity, of an improper execution or of the non-execution of his/her attributions” represents a clear violation of the requirement of legal clarity and absence of political discretion regarding the limitation of the term of members of highest bodies and authorities of public service media. This vague legal provision puts in the hands of the parliamentary majority the decision to dismiss and replace Board members based on mere convenience and political criteria. Such scenario may seriously

erode the independence and the proper performance of managerial decisions by the members of the Board. Therefore, it must be repealed.

In addition to this, similar reproaches can be made regarding the provision establishing that the rejection by the Parliament of the annual activity report shall entail the dismissal of the members of the Supervisory and Development Board. According to applicable international and regional standards, public service media are ultimately, and fundamentally, accountable to the public. However, the public is composed of an increasingly complex range of institutional and other stakeholders. This includes government and parliament, as well as other independent regulatory and supervisory bodies, the public directly as audience and as citizens and participants, and the public as represented by civil society groups as well as wider communities of interest. The precise nature and characteristics of accountability mechanisms will necessarily differ between countries, and is determined by the political systems, cultural and civil society traditions. In any case, it is important that such mechanisms give both the public service media and its stakeholders confidence that they are fit for the purpose. Accountability systems must not negatively affect the independence and professional performance of public media service bodies, as well as introduce tools for political control.

In this sense, the submission of an annual report to the Parliament can be a good accountability tool since it facilitates a proper oversight and exchange about the ways the public service media institutions have interpreted and implemented their role and remit. The Parliament is a representative institution and debates are public. Parliament can also adopt valid conclusions and recommendations with regards to the implementation of applicable legal provisions. However, this must not give the Parliament the power to alter one of the basic pillars of public service governance: independence based on clear mandates of high-level bodies' members. Moreover, and as already mentioned, preserving a relevant accountability role in the hands of the Parliament does not exclude the responsibility in this field of other bodies, including the Audiovisual Council (in its supervision role of audiovisual media service providers, particularly regarding their legal, license and content obligations) and civil society organisations.

It is true that these provisions are not unique in the region. In this sense, Romanian audiovisual legislation contains similar rules. However, it must also be noted that the Romanian case shows how such provisions have turned into a very efficient instrument for political control over public service media outlets. In the case of Televiziunea Romana (TVR), since 1994 only one board has finished its four-year mandate. For example, the Romanian Parliament discussed and rejected the 2014 annual report in September 2015, and the board and its president were subsequently sacked. It took until March 2016 to validate a new board. The newly appointed board elected a president from among the members, as per the law, but the Parliament voted against the candidate. After rejecting another proposal, in April 2016, the Parliament finally agreed to validate a new president and director-general of TVR in May 2016⁹.

In conclusion, this provision must also be repealed.

⁹ See the 2016 Europe and Eurasia Media Sustainability Index by IREX (pages 4-5). Available online at: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2016-romania.pdf.pdf>

Provisions regarding the Audiovisual Council

The amendments introduce new provisions regarding the requirements and qualifications to become a member of the Audiovisual Council, as well as their appointment and possible dismissal (at the individual and the whole-body level).

These provisions are essentially identical as those already commented and applicable to the highest governance body of TRM and deserve the same objections.

It is important to underscore the Council of Europe Recommendation Rec(2000)23 particularly regarding the following:

“precise rules should be defined as regards the possibility to dismiss members of regulatory authorities so as to avoid that dismissal be used as a means of political pressure. (...) In particular, dismissal should only be possible in case of non-respect of the rules of incompatibility with which they must comply or incapacity to exercise their functions duly noted, without prejudice to the possibility for the person concerned to appeal to the courts against the dismissal.”

“In order to protect the regulatory authorities' independence, whilst at the same time making them accountable for their activities, it is necessary that they should be supervised only in respect of the lawfulness of their activities, and the correctness and transparency of their financial activities. With respect to the legality of their activities, this supervision should be exercised a posteriori only. The regulations on responsibility and supervision of the regulatory authorities should be clearly defined in the laws applying to them”.¹⁰

Therefore, and for reasons connected to what has already been presented above, these provisions must also be repealed.

¹⁰ Council of Europe Recommendation Rec(2000)23 of the Committee of Ministers to member states on the independence and functions of regulatory authorities for the broadcasting sector (Appendix, paragraphs 6, 7 and 24). Available online at: <https://rm.coe.int/16804e0322>. See