



***Permanent Representation of the Republic of Moldova
to the Council of Europe***

No. FRA-CoE/315.5/177

Strasbourg, 4 April 2016

Dear Mr. Secretary General,

With reference to your letter of 10 February 2016, on the *Comparative Study on blocking, filtering and take-down of illegal Internet content*, I have the honour to enclose herewith the comments of the Government of the Republic of Moldova, following the internal consultations with the national institutions.

Please accept, Mr. Secretary General, the assurances of my highest consideration.

Sincerely yours,

/signed/
Corina Călugăru
Ambassador
Permanent Representative

Enclosure: 1 page

Mr. Thorbjørn Jagland
Secretary General of the Council of Europe

Strasbourg

The comments of the Government of the Republic of Moldova on the *Comparative Study on blocking, filtering and take-down of illegal Internet content*,

- 1. The activity of the National Center for Personal Data Protection/NCPDP (page 453)** - it doesn't reproduce entirely the issue of the publishing of court judgements, references should be also indicated to the provisions of art. 47 (3) e. from the Law regarding the judicial organisation No. 514-XIII of 6 July 1995, according to which the judicial assistant assures the depersonalisation of the court judgements and their publishing on the web page of the court jurisdiction. This obligation has to be executed in corroboration with art. 5 of the Council of Europe Convention for the protection of individuals with regard to automatic processing of personal data (ETS No. 108) and art. 4 and 31 of the Law regarding the protection of personal data.
- 2. Publication of the personal data of the parties of the trial (case Supreme Court - NCPDP)** - according to the provisions of art. 34 (1) of the Law regarding the registration of legal entities and individuals No. 220-XVI of 9 October 2007, the data from the State Register and from the constitutive acts of the enterprises are public and accessible to everyone in the statutory limits regarding the access to information, state secret, commercial secret, personal data protection, and registers, as well as the relevant international treaties to which the Republic of Moldova has adhered to and those information are made public in relation to art .11 (4) of the same law.
- 3. Legal framework (page 439)** – The National Programme on cyber security of the Republic of Moldova 2016-2020, was approved through the Government Decision No. 811 on 29 October 2015.
- 4. Take-down/removal of Internet content, in particular references to the use of domain .md (page 444)** - In 2013, there was a case on the initiation of proceedings by I.S. MoldData as superior administrator of the national domain, through which the General Inspectorate of the Police, on the basis of the action of the State Agency for the Protection of Morality, has requested the examination of the legality of the web site www.cam4.md, which housed porn video-chat services. Therefore, it was decided to eliminate the respective sub-domain and the registrant deprivation of the right to restore in accordance with the provision of the art. 5.5 from the Regulation regarding the administration of names in the domain of superior level .md.
- 5. Page 446 (criminal offences)** – there is a proposal complete the list of crimes offences committed on Internet with the following articles form the Criminal code – art 175 (perverted Actions), art. 175/1 (berthing children for sexual purposes), art. 190 (fraud), art. 237 (Production for the purpose of putting into circulation or putting into circulation of false cards or other pay checks), art. 259-261/1 (computer crimes and crimes in the telecommunications sphere). Additionally to change the article on the incrimination of the infantile pornography from 208 to 208/1.
- 6. Additionally, on 30 March 2016, the Government of the Republic of Moldova adopted the Decision on approval the draft law amending and completing some legislative and normative acts, including the *Law 20 (03.02.2009) referring to preventing and combating cybercrime*. The draft document contains new provisions, including procedural, facilitating cybercrime investigation and sanctioning.**