07.08.2026 Comunicate de presă

The State Agency on Intellectual Property (AGEPI) notes that the statements made during the Press Conference of August 6, 2026, by the Association of Copyright Holders of Moldova (MORA), together with the Copyright Association (ADA) and the Association for Related Rights (ADC) do not reflect the factual situation and the measures taken by the institution within the limits of its legal competences.

The institution reiterates that it carries out its activity in a transparent manner, in strict accordance with the national legal framework, applicable international treaties and the commitments assumed by the Republic of Moldova within its European path.

In this context, AGEPI considers it necessary to provide clarifications on the issues addressed in order to avoid misinterpretations in the public space regarding the institution's activity in the field of copyright and related rights.

1. With reference to the annual general controls of the activity of collective management organizations (CMOs) and of the common collection structure (CCS).

AGEPI has constantly exercised its supervisory and control powers over the activity of collective management organizations.

We note that the activity of CMOs and CCSs is subject to annual general control, as well as special control, exercised by AGEPI under the conditions of Art. 106 of Law No 230/2022 on Copyright and Related Rights (hereinafter – Law No 230/2022) and of the Regulation on the procedure for controlling the activity of collective management organizations and common collection structures, approved by Government Decision No 815/2023.

For the period of activity in 2024, AGEPI carried out the annual general control of the activity of collective management organizations and common collection structures, the following control acts being drawn up:

- Control act No 1/518 of 25.03.2026 [1] on the general control of the activity of the Public Association "AUTORITY" for the period 01.01.2024-31.12.2024;

- Control act No 2/548 of 31.03.2026 [2] on the general control of the activity of the Public Association "ARTTON" for the period 01.01.2024-31.12.2024;

- Control act No 3/580 of 06.04.2026 [3] on the general control of the activity of the Public Association "Association for Reproduction Rights "ADERO" for the period 01.01.2024-31.12.2024;

- Control act No 4/669 of 21.04.2026 [4] on the general control of the activity of the Public Association "VICTORIA LEGALITĂȚII" for the period 01.01.2024-31.12.2024;

- Control act No 5/719 of 29.04.2026 [5] on the general control of the activity of PA CS CLAD for the period 01.01.2024-31.12.2024.

The control acts are public and can be consulted on the official website of AGEPI:

- for the period 2010–2020: https://agepi.gov.md/ro/content/acte-de-control-ogc [6];
- for the period following the entry into force of Law No 230/2022: in the "Collective Management" directory https://agepi.gov.md/ro/copyright/OGC [7], in the compartment of each CMO and CCS.

In addition, AGEPI has initiated two special controls, which are ongoing. Information on their findings will be communicated after the completion of the procedures provided for by law.

For the activity period of 2025, the control procedure of the activity of the CMO and the CCS is to be carried out according to the institutional planning of 2026.

According to Art. 106 para. (8) of Law No 230/2022, in case of detection of irregularities, based on the conclusions contained in the control act, AGEPI shall grant the collective management organizations a time line for solving irregularities and shall communicate the control act to the General Assembly of the controlled collective management organization, which will debate it during the first ordinary meeting.

Where it is found that the collective management organization does not comply with the obligations imposed by this Law, with the exception of those whose violation is punishable by administrative or criminal penalties, AGEPI shall order one of the following measures: a) grants the collective management organizations a deadline for removing the irregularities identified in their activity; b) revokes the decision to designate the collector for failure to comply with the obligations provided for in Article 103 paragraph (7); c) suspends the activity of the collective management organization for a period comprised between 6 months and 1 year, in the event of failure to comply in due time limit with the measures ordered in accordance with letter a); d) revokes the decision on endorsement in case of non-compliance with the obligations laid down in Article 84 paragraph (1).

In context:

- regarding the activity of PA “AUTORITY”, AGEPI Decision No 25/574 of 03.04.2026 was issued on the implementation of certain measures, taking into account the conclusions and recommendations contained in the control act. By AGEPI Decision No 28/967 of 11.06.2026, the activity of PA “AUTORITY” was suspended as a collective copyright management organization, approved according to AGEPI Decision No 2/333 of 06.03.2023 (published in the Official Gazette of the Republic of Moldova No 82-84 (8588-8590) of 10.03.2023), for a period of 6 (six) months from the date of issuance of the decision, according to Art. 107 para. (1) point c) of Law No 230/2022 on Copyright and Related Rights, as a result of the failure to comply with the measures ordered by AGEPI Decision No 25/574 of 03.04.2026, and during the suspension, the Public Association “AUTORITY” cannot exercise the specific prerogatives of a collective management organization according to Law No 230/2022;

- regarding the activity of PA “ARTTON”, AGEPI Decision No 26/757 of 08.05.2026 was issued on the implementation of certain measures, taking into account the conclusions and recommendations contained in the control act. By AGEPI Decision No 30/1115 of 03.07.2026, rectified by AGEPI Decision No 31/1122 of 06.07.2026, the activity of PA “ARTTON” as a collective related rights management organization, approved according to AGEPI Decision No 3/334 of 06.03.2023 (published in the Official Gazette of the Republic of Moldova No 82-84 (8588-8590) of 10.03.2023), was suspended for a period of 6 (six) months from the date of issuance of this Decision, according to Art. 107 para. (1) lpoint c) of Law No 230/2022 on Copyright and Related Rights, as a result of the failure to comply with the measures ordered by AGEPI Decision No 26/757 of 08.05.2026, and during the suspension, PA “ARTTON” cannot exercise the specific prerogatives of a collective management organization according to Law No 230/2022;

- regarding the activity of the Public Association “ADERO”, AGEPI Decision No 27/894 of 28.05.2026 was issued ong the implementation of some measures, taking into account the conclusions and recommendations contained in the control act;

- regarding the activity of PA “VICTORIA LEGALITĂŢII”, AGEPI Decision No 29/1028 of 22.06.2026 was issued on the implementation of some measures, taking into account the conclusions and recommendations contained in the control act;

- regarding the activity of PA CS “CLAD”, AGEPI Decision No 33/1245 of 29.07.2026 on the implementation of certain measures, taking into account the conclusions and recommendations contained in the control act.

The above-mentioned decisions are published on the official website of AGEPI, in the directory

"Transparency/Approval of Collective Management Organizations/Decisions under Law No 230/2022" - https://agepi.gov.md/ro/content/decizii-in-temeiul-legii-nr-230-2022 [8].

In addition to the administrative measures applied to the CMO in case of non-compliance with the obligations provided for by law, AGEPI, under the conditions of Art. 109 of Law No 230/2022, submitted notifications to the competent bodies on the verification and, where appropriate, the establishment of the facts provided for in Art. 961 of the Contravention Code. At the same time, AGEPI informed the Prosecutor General's Office about the facts and circumstances that, in its opinion, meet the elements of a reasonable suspicion within the meaning of Art. 6 point 4^3 of the Code of Criminal Procedure, regarding the activity of the decision-makers of a public association.

It is important to note that AGEPI cannot substitute criminal prosecution bodies, investigating agents or courts. After the materials are transmitted, the examination of the facts under criminal or contraventional aspects is carried out by the competent authorities, according to their powers.

2. Regarding the improvement of the legal framework

In the segment of copyright and related rights, on 09.10.2022, Law No 230/2022 on Copyright and Related Rights entered into force, a normative act through which European directives in the field were transposed and which aims to ensure a high degree of protection for authors and rightholders.

In the part related to the collective management of copyright and related rights, Law No 230/2022 established new conditions for the approval of CMOs, new rules for exercising collective management and controlling their activity, intended to ensure the transparency of the activity of collective management organizations and which ultimately justify the desiderata of the law, stated above.

Starting with 01.01.2026, following the reorganization, AGEPI operates as an administrative authority subordinated to the Ministry of Justice, the responsibility for promoting policies in the field of intellectual property falling to the ministry.

Thus, on 21.07.2026, the Ministry of Justice announced the initiation of the development of the Draft Law amending Certain Normative Acts (Improvement of the Normative Framework to Strengthen Protection and Enforcement of Copyright and Related Rights), in order to:

- review/update the normative framework in the field of copyright and related rights, by streamlining the mechanisms for preventing and combating infringements;

- improve the system of collective management of copyright and related rights in the part related to the collection of author's remuneration;

- strengthen administrative and institutional measures to ensure compliance with the legislation in the field of copyright and related rights.

In order to ensure a participatory development process, interested parties were invited to submit proposals for amending the relevant normative acts and regulatory solutions considered necessary, by 04.08.2026, inclusive.

3. The collection, allocation and distribution of remunerations are the exclusive responsibility of collective management organizations, which are public associations established by rightholders – performers, composers, screenwriters, producers of phonograms and videograms, photographers, visual artists, etc. – and which are authorized, under the law, to collect and distribute the due remunerations.

AGEPI's role is one of **regulation, approval, supervision and control** of the CMO's activity, exercised in strict accordance with the legal framework in force.

Law No 230/2022 regulates the measures, procedures and means of redress in the event of copyright infringement. Thus, the infringement of the rights recognized and protected by law shall

entail civil, administrative or criminal liability, as the case may be (Art. 109 para. (1) of Law No 230/2022).

According to the provisions of Art. 110 of Law No 230/2022, **natural or legal persons** who have claims regarding the use of works and subject-matter protected by copyright or related rights or other rights protected by this Law shall have the right to initiate actions before the competent court or to bring proceedings before another authority for the enforcement of the measures, procedures and remedies.

The following persons shall be entitled to seek application of the measures, procedures and remedies:

a) the authors, holders of copyright and related rights or authorities empowered to protect their rights;

b) other persons benefiting of such rights, especially licensees;

c) organizations for collective management of copyright and/or related rights;

d) professional organizations and other representatives of holders of copyright and related rights and licensees.

Also, the legislation in force provides for the possibility of defending copyright and related rights both in a contravention proceeding (Art. 96 of the Contravention Code) and in a criminal proceeding (Art. 1851 of the Criminal Code), depending on the seriousness of the action and the damages caused.

4. Regarding the allegations relating to the non-collection of remuneration by rightholders from the Republic of Moldova for the use of their works in Romania or in other states, AGEPI considers the following clarifications necessary:

According to Law No 230/2022, the administration of patrimonial rights, including the collection and distribution of remuneration due to rightholders both on the territory of the Republic of Moldova and abroad, is carried out by collective management organizations mandated by the rightholders.

In this regard, CMO negotiates and concludes reciprocal representation agreements with counterpart organizations from other states, including Romania. Based on these agreements, the remuneration due for the use of works and performances of rightholders from the Republic of Moldova abroad is collected. Collective management organizations are responsible for the execution of these agreements, the transfer of the collected remuneration and the subsequent distribution of the amounts collected to the rightholders, under the terms of the law and the concluded contracts.

Consequently, any difficulties regarding the collection or transfer of remunerations between different states are not part of the legal attributions of AGEPI. The Agency is not a party to reciprocal representation agreements and has no powers to collect, administer or directly distribute the remunerations due to rightholders.

At the same time, within the limits of its legal competences, AGEPI has constantly made efforts to strengthen the dialogue and cooperation between collective management organizations from the Republic of Moldova and those from other states, especially from Romania.

Thus, in March 2025, with the support of AGEPI and the Romanian Copyright Office, a joint meeting of collective management organizations from the Republic of Moldova and Romania was organized in Bucharest, to which all CMOs from the Republic of Moldova were invited. Subsequently, in May 2025, AGEPI, with the support of the European Union project EU4IP, organized in Chisinau a regional seminar on copyright and related rights, with a focus on the harmonization of legislation and the development of the collective management system. The event brought together representatives of collective management organizations from the Republic of Moldova, Romania, Poland, Ukraine and Georgia, as well as international experts, providing a platform for dialogue and exchange of good

practices.

Also, during the period 23–24 April 2026, AGEPI, with the support of the European Union projects EU4IP and Swiss PartnershIP Moldova, organized the National Workshop on Public Lending Right, which was attended by representatives of public authorities, CMOs, rightholders and European and international experts. The event contributed to strengthening the dialogue between authorities, collective management organizations and rightholders in the process of harmonizing the legislation of the Republic of Moldova with the acquis of the European Union.

At the same time, AGEPI constantly uses institutional dialogue platforms to facilitate consultations with competent authorities, CMOs, users and other interested actors, as well as to identify, together with them, solutions to existing problems in the field of collective management.

In this context, all collective management organizations from the Republic of Moldova are invited to participate in the meetings of Working Group No 7 “Intellectual Property Law”, established within the framework of the European integration process. This working group represents a platform for dialogue and consultation through which developments regarding the negotiations for accession to the European Union, the process of harmonizing national legislation with the acquis of the European Union, as well as the implementation of the National Accession Program on Chapter 7 are presented. At the same time, participants have the opportunity to formulate proposals and observations on all aspects related to intellectual property, including aspects related to copyright and collective management.

AGEPI will continue to facilitate the dialogue between collective management organizations, users and competent authorities, as well as cooperation between organizations from the Republic of Moldova and those from other states. At the same time, the Agency will continue to exercise its monitoring and supervision duties provided for by law. At the same time, AGEPI cannot substitute the responsibilities of collective management organizations towards the rightholders they represent and does not have the power to negotiate or execute, on their behalf, reciprocal representation agreements, to collect remuneration or to transfer the amounts due under these agreements.

In conclusion:

AGEPI treats all collective management organizations equally, without favoring any entity. All decisions are adopted exclusively on the basis of legal provisions and the findings resulting from the verifications carried out.

AGEPI applies the law impartially and transparently, in the interest of authors and rightholders, ensuring an efficient and fair functioning of the collective management system. At the same time, AGEPI remains open to dialogue with all interested parties, in the spirit of respect for the law and communication based on facts.

AGEPI constantly demonstrates openness to dialogue with all stakeholders, publishing draft normative acts for public consultation and organizing workshops and debates with the participation of national and international experts.

AGEPI is a transparent and open institution, providing a platform for communication and consultation for all interested persons and organizations. Within this framework, all topics related to the field of competence of AGEPI can be discussed, in a fair and constructive manner, in the spirit of mutual respect and collaboration for the development of the intellectual property system in the Republic of Moldova.

Источник: https://agepi.md/ru/node/18483