

Cybercrime legislation – country profile

Moldova

This profile has been prepared within the framework of the Council of Europe's Project on Cybercrime in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the country covered or of the Council of Europe.

Comments may be sent to:

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Country:	Republic of Moldova	
Signature of Convention:	Yes: _____ (Date)	No: X
Ratification/accession:	Yes: _____ (Date)	No: X
	If not yet signed/acceded to:	
	What measure are being undertaken in your country to become a Party? It is considered in Parliament for signing	
	What specific obstacles (legislative or other) prevent ratification/accession? There are very few cybercrimes in Moldova	
Provisions of the Convention	Corresponding provisions/solutions in national legislation <i>(pls quote or summarise briefly; pls attach relevant extracts as an appendix)</i>	
<i>Chapter I – Use of terms</i>		
Article 1 – “Computer system”, “computer data”, “service provider”, “traffic data”	<i>Article 2 pct. c), e), g) of Law on prevention and combating committing frauds information systems nr.958-XV (Project of Law).</i>	
<i>Chapter II – Measures to be taken at the national level</i>		
<i>Section 1 – Substantive criminal law</i>		
Article 2 – Illegal access	Art.259 of Criminal Code, Law nr.958-XV (in project)	

Article 3 – Illegal interception	Art.261/5 of Criminal Code, Law nr.958-XV (in project)
Article 4 – Data interference	Art.261/6 of Criminal Code, Law nr.958-XV (in project)
Article 5 – System interference	Art.261/7 of Criminal Code, Law nr.958-XV (in project)
Article 6 – Misuse of devices	Art.261/2, art. 261/3 of Criminal Code, Law nr.958-XV (in project)
Article 7 – Computer-related forgery	Art.261/8 of Criminal Code, Law nr.958-XV (in project)
Article 8 – Computer-related fraud	Art.261/9 of Criminal Code, Law nr.958-XV (in project)
Article 9 – Offences related to child pornography	Art.261/4 of Criminal Code, Law nr.958-XV (in project)
Title 4 – Offences related to infringements of copyright and related rights	
Article 10 – Offences related to infringements of copyright and related rights	Art.185/1 of Criminal Code, Law nr.958-XV
Article 11 – Attempt and aiding or abetting	
Article 12 – Corporate liability	
Article 13 – Sanctions and measures	
<i>Section 2 – Procedural law</i>	
Article 14 – Scope of procedural provisions	
Article 15 – Conditions and safeguards	
Article 16 – Expedited preservation of stored computer data	Article 9, pct. c) of Law on prevention and combating committing frauds information systems nr.958-XV (Project).
Article 17 – Expedited preservation and partial disclosure of traffic data	
Article 18 – Production order	
Article 19 – Search and seizure of stored computer data	Art.125 of Criminal Procedure Code
Article 20 – Real-time collection of traffic data	Art 303 of Criminal Procedure Code
Article 21 – Interception of content data	Art.135 of Criminal Procedure Code
<i>Section 3 – Jurisdiction</i>	
Article 22 – Jurisdiction	

<i>Chapter III – International co-operation</i>	<i>Chapter IX International Legal Assistance In The Criminal Matters</i> articles 531 – 559 of Criminal Procedure Code
Article 24 – Extradition	Articles 541 – 550 of Criminal Procedure Code
Article 25 – General principles relating to mutual assistance	articles 531 – 540 of Criminal Procedure Code
Article 26 – Spontaneous information	
Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements	
Article 28 – Confidentiality and limitation on use	
Article 29 – Expedited preservation of stored computer data	
Article 30 – Expedited disclosure of preserved traffic data	
Article 31 – Mutual assistance regarding accessing of stored computer data	
Article 32 – Trans-border access to stored computer data with consent or where publicly available	
Article 33 – Mutual assistance in the real-time collection of traffic data	
Article 34 – Mutual assistance regarding the interception of content data	
Article 35 – 24/7 Network	
Article 42 – Reservations	<i>No need to fill in this information as it will be copied from the Council of Europe treaty data base</i>