

**Study on the independent cultural sector in Moldova (ICS), conducted by  
the Association Center for Policies, Initiatives and Research  
"PLATFORMA".**

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## Introduction

This study makes an attempt at identifying the general features that currently define the independent cultural sector in Moldova (ICS), as well as the confrontations it faces: access to resources (space, financial resources, access to social and medical protection, etc.), legal and symbolic recognition, status of cultural workers, etc.

In this regard, the study analyzes how the state, through the institutions that manage the cultural field (the Ministry of Culture, first of all, but also other relevant institutions within the PCA and LPAs), recognizes or does not recognize ICS.

The study also analyzes the perceptions of ICS members on the features that define the sector.

The study does not aim to offer a prescriptive definition of ICS, taking into account the inherent fluidity of the sector - which is composed of independent artists, groups, temporary organizations operating in ephemeral contexts and spaces - and the fact that the independent cultural sector in Moldova is itself, from both inner and out perspectives, in a continuous process of redefinition and re-positioning. ICS does not fall into ready-made divisions or distinctions, but constitutes and negotiates, sometimes combatively, its own territory, its own identity and its own positionalities.

Therefore, a definition of ICS can only be descriptive. In this research we advance a possible definition along the following lines: *an ICS is an entity, formal or informal, institutional, collective or individual, that is not created by the state (or by commercial entities for the purpose of corporate image laundering), that carries out cultural activities, that is independent and autonomous in curatorial and programmatic terms, that has a non-profit orientation (even though it may sell cultural products or services to support itself), that tends to be financially independent from the commercial sector and less so from the state sector (because ICS believes that it does culture as a common good, and this is at least as much a part of cultural heritage as the public cultural sector), takes a critical stance in relation to various forms of power (both formal - the state, corporations, but also informal - profit logic, discrimination, homophobia, racism), rejects 'art for art's sake' and integrates in its cultural practice political, cultural and social dimensions such as social cohesion, emancipation, interethnic peace, pluralism, solidarity, experiments with various cultural forms and practices and acts, in relation to its beneficiaries, on the understanding that art has a social responsibility towards the community.*

The Moldovan legislation operates with different terms to designate cultural workers. For example, the *Law on Culture* uses the term **cultural worker** to define any person in an employment relationship with a cultural organization (e.g. creative unions, guilds, associations, including public associations, organizations, institutions and enterprises performing cultural activity). The *Law on creative people* uses the term **creative people and professional creative people**. Creative people is a broader category that includes all persons who create cultural values, interpret works of art and perform creative activities. Professional creative people are persons who have a bachelor's degree in literature, art or journalism and creative activity is their main source of livelihood. At the same time, Article 11(3) of the Law on Culture stipulates that *"Professional and non-professional creative people are equal in*

*terms of the right to intellectual property, the right to freely dispose of the results of their work, the right to state assistance."*

In this study we will use the term **cultural worker** as defined by UNESCO to refer to all persons engaged in cultural activity (A+B), as well as workers engaged in other activities within the cultural sector (C).

	Culture	Other sectors
Cultural activity	A	B
Other activities	C	D

**Figure 1.** UNESCO matrix on cultural employment

We will use the term **artist** as defined by UNESCO as any person who creates, participates in the creation or re-creation of works of art through his or her interpretation, who considers his or her artistic creation an essential part of his or her life, who contributes to the development of art and culture, and who is recognized or seeks to be recognized as an artist, whether or not he or she is explicitly linked by certain relationships of employment or association.<sup>1</sup>

The study combines several quantitative and qualitative research methods: in-depth interviews, questionnaires, analysis of relevant documents (legal framework, policy documents, etc.), historical documentation. The research provides several recommendations for the relevant authorities but also for the ICS.

The **questionnaire** was completed by 56 artists and cultural workers, 6 respondents were excluded from the sample because they work exclusively in the public or commercial sector. Of the sample of **50** respondents, 72% identify themselves as part of the independent cultural sector, 18% do not know how they identify themselves and 10% identify themselves as part of the creative industries.

At the same time, **28 interviews** were conducted with visual artists, multimedia artists, writers, directors, curatorial managers and cultural workers from the independent cultural sector, **2** interviews with cultural workers from the creative industries sector (according to the self-identification of these people), **1 interview** with a member of the working group for the adoption of the Statute of Cultural Workers in Romania.

The study was conducted between May 2024 and March 2025, by the Association Center for Policies, Initiatives and Research "Platforma", commissioned by the Association Coalition of the Independent Cultural Sector of the Republic of Moldova.

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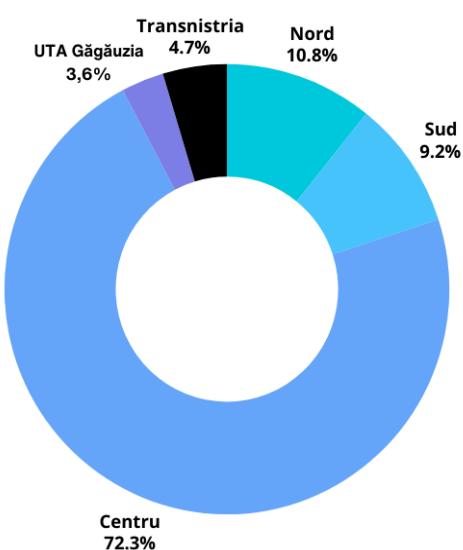
<sup>1</sup> Recommendation concerning the Status of the Artist, UNESCO, 1980

## Profile of interviewees

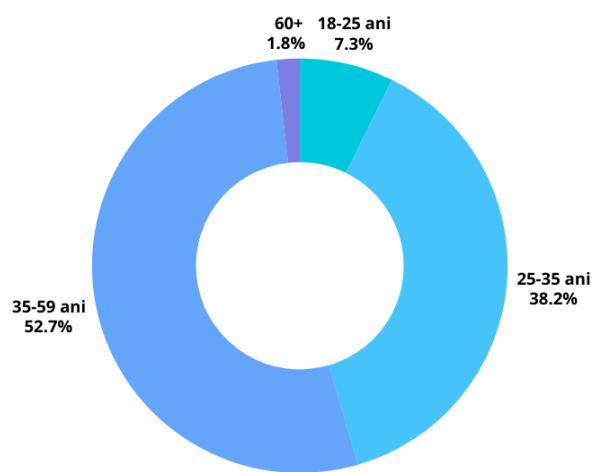
<b>Interview 1</b> - multimedia artist	<b>Interview 17</b> - cultural manager
<b>Interview 2</b> - artist, curator, cultural worker	<b>Interview 18</b> - Cultural worker
<b>Interview 3</b> - Cultural worker	<b>Interview 19</b> - Cultural worker
<b>Interview 4</b> - Cultural worker	<b>Interview 20</b> - artist and cultural manager
<b>Interview 5</b> - actors and cultural workers	<b>Interview 21</b> - multifunctional artist
<b>Interview 6</b> - writer and director	<b>Interview 22</b> - photographer
<b>Interview 7</b> - visual artist	<b>Interview 23</b> - photographer, cultural manager
<b>Interview 8</b> - artist and cultural worker	<b>Interview 24</b> - cultural manager
<b>Interview 9</b> - visual artist	<b>Interview 25</b> - documentary photographer
<b>Interview 10</b> - director, screenwriter, movie producer	<b>Interview 26</b> - Film director
<b>Interview 11</b> - curator and cultural manager	<b>Interview 27</b> - cameraman, photographer
<b>Interview 12</b> - visual artist	<b>Interview 28</b> - cultural manager
<b>Interview 13</b> - writer, cultural promoter	<b>Interview 29</b> - curator and cultural manager
<b>Interview 14</b> - artist, curator, cultural manager	<b>Interview 30</b> - curator, gallery manager
<b>Interview 15</b> - visual artist, cultural manager	<b>Interview 31</b> - member of the working group for the adoption of the Artist's Statute in Romania
<b>Interview 16</b> - multimedia artist	

## Demographic profile of respondents to the questionnaire

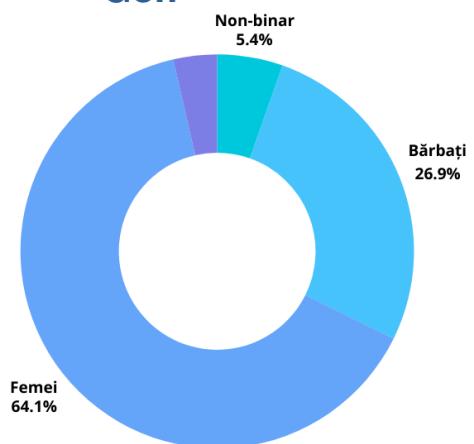
## Arie geografică



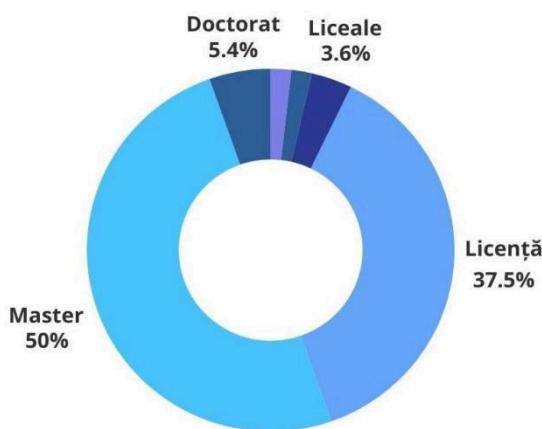
## Vârstă



## Gen



## Nivelul de studii

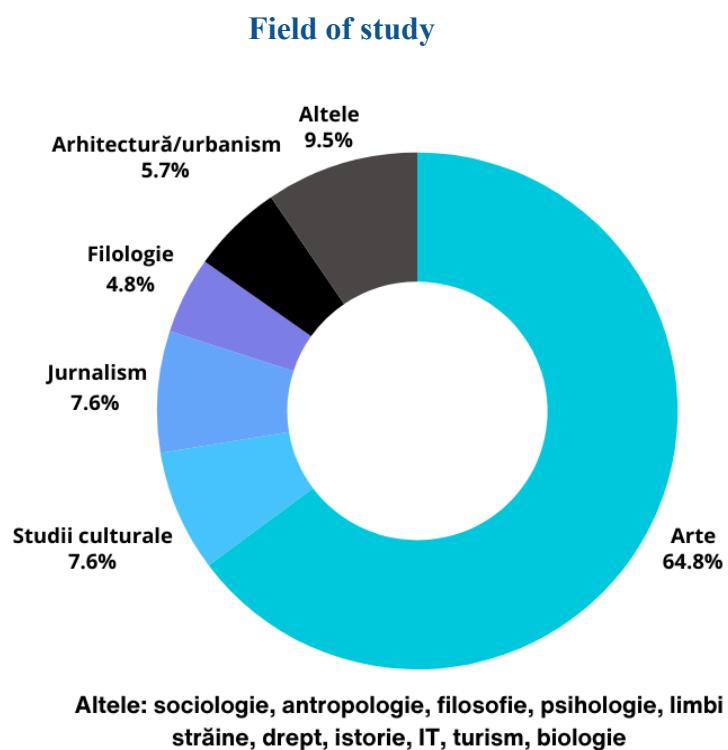


### Demographic profile of the independent cultural sector:

- The sector is highly feminized, with women accounting for almost 2/3 of cultural workers;
- About half of the respondents (52.7%) are in the 35-59 age group. The second most numerous is the 25-35 age group, with 36%;
- 31% work as freelancers, 29% - as part of a non-commercial organization, 6% - as an initiative group, 4% - as an LLC and 2% - as a patent;
- 80% of respondents are active in the Center region, 6% in Transnistria, 4% in the South region and 4% in the North region;
- 6 % of respondents are active in rural areas, 27 % - in Chisinau and suburbs, 17 % - in international activities, 6 % - in other cities of Moldova;
- 67% of respondents are also active in Chisinau and its suburbs, in other locations in

Moldova and internationally.<sup>2</sup>

- The sector is hyper-educated: 37.5% of respondents have at least a bachelor's degree, another 50% also have a master's degree and 5.4% have a doctorate. In other words, 93% of respondents have higher education!



**The occupational profile of the respondents to the questionnaire:** cinematography, directing, dramaturgy, scriptwriting, theater, contemporary art, visual arts, decorative arts, architecture and urbanism, graphic design, literature, sound design, music, acting, journalism, translation, curating, and cultural management.

## Chapter I. Identity and self-representation in the independent cultural sector **in the Republic of Moldova**

<sup>2</sup> Multiple-choice question.

## 1. Historical context: capitalism, independent culture, cultural industries

A discussion of the emergence of the independent cultural sector (ICS), both globally and locally, must also address the broader economic and societal context that shaped it. This includes examining the economic-political forces that pushed cultural actors outside state-run cultural policies. Key factors include the rise of the post-industrial economy, the emergence of the knowledge and creative economies, transformations in late capitalism (postmodernism), the restructuring of the state and the shift of responsibilities to non-state actors, as well as the festivalization and commercialization of culture.

These strands of research, so disconnected and at times extremely abstract, will help us to build the context/scene in which to place the independent cultural sector in Moldova. ICS in Moldova is not an exception and a singularity or a unique case (which we propose to be discussed as frequently as possible both within the scene and in dialog with the relevant cultural authorities).

The trajectory of ICS development in Moldova, the struggles and challenges it faces at the local level, follows, at least in part, similar trajectories to other contexts in the region and, more generally, to even global contexts.

### 1.1 Fordism, post-Fordism or how the creative economy emerges

Most authors describe the turn towards 'creativity' in the cultural sector as part of a broader process of transformation of the capitalist system. What is changing from this perspective is that creativity is taking center stage and becoming a creative factor of economic value<sup>3</sup>. In other words, in advanced economies the central economic value is not commodity production, but information processing (mediated by the development of technology).

The creative economy is generally considered to emerge at a time of crisis and rupture with the previous economic model. The old model is often referred to as ***Fordism*** or ***industrial economics***, and according to researchers, it had the following features:

- Economic growth is based on industrial mass production carried out by skilled and semi-skilled workers according to assembly-line principles;
- profits arise from increased production volumes (economies of large scale);
- strict separation of control and ownership functions in firms;
- recognizing trade unions and their roles;
- wages linked to productivity and purchasing power;
- production and consumption of standardized goods, organization of production and consumption predominant in the national economy, etc<sup>4</sup>

This type of economy would be replaced, by the mid-1970s, by a new economic paradigm, whose names vary: ***Neo-fordism***, ***Post-fordism***, ***flexible specialization***. The transformations produced in the economic structure within the post-Fordist economy (called "new economy") are characterized by<sup>5</sup>:

<sup>3</sup> Hartley, John, ed. 2009. *Creative Industries*. 1. publ. Malden, Mass: Blackwell, p.18.

<sup>4</sup> See Amin, Ash, Post-Fordism: Models, Fantasies and Phantoms of Transition in 1995.

*Post-Fordism: A Reader*, Wiley-Blackwell, 1995. p. 10.

<sup>5</sup> Source: Terry Flew, Creative Economy in Hartley, John, ed. 2009. *Creative Industries*. 1. publ. Malden, Mass.: Blackwell, p. 347.

- Dynamic, networked, service-oriented markets where competition is global and the source of value is human and social capital.
- Production organization is flexible, the main knowledge drivers are innovation/knowledge and the main technological driver is digitalization.
- It involves a shift in production focus from economies of scale, rigid technologies and compartmentalization to economies of scope, flexible production systems and the integration of design, production and marketing;
- The source of competitive advantage is innovation, quality, speed along the entire supply chain, with increased focus on research/innovation as well as alliances and collaborations, including through outsourcing of production processes and labor.
- The role of the state is to encourage opportunities for growth and flexibility and to regulate the market.
- It encourages the emergence of new working models, including teleworking, home working and flexitime;
- It involves new consumption patterns such as tele-shopping, facilitated by advanced telecommunications systems.
- It gives rise to new geographies of production and consumption based on distance-reducing technologies<sup>6</sup>.

Also, the new economy is taking place in a globalized world, where processes such as capital circulation, financial transactions, production - are globalized and organized on several territorial scales as well.

## 1.2 The economics of entertainment

One of the approaches of the new economy is *semiocapitalism* which was inspired by the critique of the French situationists of the 1960s - that "*the whole life of societies in which the present conditions of production prevail is announced as an enormous accumulation of spectacles*", and that the spectacle is *society itself*.<sup>7</sup> *Semicapitalism*<sup>8</sup> describes a late stage of capitalism in which information technologies such as digital commerce make it possible to combine the productive use of signs and information with the valorization of capital.

In this sense, the economies that capitalize on our attention time - e.g. TV shows, social media, online games, advertising, etc. - which are framed as lifestyles and consumer preferences, have partly replaced the production of goods. Producing ideas in the form of visual signs and forcing people to pay for them with their attention time is the main way of increasing profit in the "attention economy", which leads to what Bernard Stiegler called *hyperattention*, an inevitable overexploitation of this time.

## 1.3 The aesthetic economy

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<sup>6</sup> Amin, Ash, Post-Fordism..., p. 16.

<sup>7</sup> Guy Debord, The Society of the Spectacle. Translated from French by Cristina Săvoiu, Bucharest, RAO, 2011, pp.9-10.

<sup>8</sup> Sotirios Bahtsetzis. Semicapitalism, Spectacle, Eikonomia, and the Function of Art.

Link:

<https://www.pismowidok.org/en/archive/2019/25-present-history/semicapitalism-spectacle-eikonomia-and-the-function-of-art>

Another critical line of conceptualization of post-Fordist economics is *aesthetic economics*<sup>9</sup>. According to this conceptualization, in late capitalism, the economy is no longer just about satisfying basic needs but, as a result of the development of technology and productivity growth, it is oriented both towards satisfying new needs (prestige, acceptance, mobility, recognition) and towards sensory and aesthetic experiences related to the consumption of commodities.

In this way, aesthetics becomes a category that makes the economic (goods) more attractive, stimulating consumption. This is why aesthetics becomes absolutely necessary. Gernot Bohme states that this complex process is accompanied by another mutation: *the economy of needs is replaced by the economy of wants*. In other words, in the post-Fordist economy, the purpose of the economy is no longer to satisfy basic needs, but to satisfy desires. In contrast to needs, which can be satisfied, wants are generally endless, insatiable and inexhaustible.

For this reason, in aesthetic capitalism, goods acquire, alongside utility, aspects of aesthetics, of satisfying desires, of consuming experiences. Bohm argues that the aesthetic qualities of the product become an autonomous value, since they also play an important role for the consumer, who often chooses the product because of its aesthetic value, over and above considerations of utility and/or functionality.

The aesthetic economy, as it has been developed, blurs the traditional boundary between the economic and the aesthetic. *"The economy is no longer geared exclusively to the production of standardized goods; it is about aesthetic work, creative work to produce new and aesthetically unique things. Regardless of whether the objects produced are material or immaterial, what matters first and foremost is their sensory and emotional value, which transcends both their use value and their status value"*<sup>10</sup>.

Consumers, in this economy, are now an audience, eager for sensory and emotional gains and expecting surprises. *In this kind of re-organization of the economy, creativity is no longer an accident or a momentary inspiration of the talented artist, but a social imperative, a norm, a set of expectations about the things that members of society MUST do.*

#### 1.4 The experience economy

Another attempt to articulate economic transformations in which commodity production is no longer the main driver of growth is the so-called *experience economy* (<sup>11</sup>). The authors of this concept propose an interpretation in which the consumer's lived experience becomes important for the economic value of the product. Experience is constructed as an economic aspect separate from other aspects. Thus, in the scheme of the experience economy, the economic aspects are: *commodities* (mineral, animal, vegetable), *goods* (industrial, created from commodities), *services* and *experience*.<sup>12</sup>

<sup>9</sup> See especially Böhme, Gernot. 2017. *Critique of Aesthetic Capitalism*. Mimesis International. Reckwitz, Andreas. 2012. *Die Erfindung der Kreativität: zum Prozess gesellschaftlicher Ästhetisierung*. 1. Aufl. Berlin: Suhrkamp.

<sup>10</sup> Reckwitz, Andreas. 2012. *Die Erfindung...*, p. 191.

<sup>11</sup> The concept was most popularized in Pine, B. Joseph, and James H. Gilmore. 2011. Boston, Massachusetts: Harvard Business Review Press.

<sup>12</sup> Pine, Gilmore...p. 9.

In the experience economy "*companies stage an experience whenever they engage their customers, and connect with them in a personal, memorable way.*"<sup>13</sup> In fact, companies are no longer just companies, i.e. producers of goods or services, but experience *stagers*.

Unlike other aspects of the economy, where goods or services remain external to the consumer, experience is intrinsically personal, addressing the most intimate layers of the consumer's personality. The experience economy capitalizes on and creates "*the market value of experiences or the commercialization of experiences - either in the form of purely experiential products and services, or in the form of mixed products in which experiential elements are coupled with functionality or other product content.*"<sup>14</sup>

## 2. Creative class, creative economy and creative industries. Conceptual clarifications.

Richard Florida is credited with popularizing the concept of the *creative class* in the early 2000s. In a now-famous paper<sup>15</sup> he argued that creativity occupies a central role and is, in fact, the engine of contemporary economy. "*In virtually every industry, from automobiles to fashion, food and information technology itself, in the long run the winners are those who can create and continue to create.*"<sup>16</sup>

What is the *creative class* according to Richard Florida and why is it so important? Florida argues that creativity would be a competitive advantage in the new economy, "*the driving force of economic growth, and the creative class would be the dominant class in society in terms of influence.*"<sup>17</sup> It would comprise about a third of the number of people employed in the US economy and number around 38 million people.

The core of the creative class is composed of people "*in science and engineering, architecture and design, education, art, music, and entertainment, whose economic function is to create new ideas, new technologies, and new creative content.*" Around this core is a broader group of "*creative professionals in business and finance, law, health and related fields. These individuals engage in solving complex problems that involve a wide margin of independent judgment and require a high level of education or human capital.*"<sup>18</sup>

Creativity, which Florida does not define in any way, but uses the Webster's dictionary definition, is considered to be "*the ability to create meaningful new forms*", it represents a point of intersection between the real economy (technology, production) and the artistic and cultural areas. This intersection, in Florida's vision, has given rise to new industries.<sup>19</sup> At the same time, this new engine of the economy, creativity, requires "*a social and economic environment that can foster its many forms*". What are the features of this social and economic environment that ensure the growth of the creative economy?

1. First, Florida argues, this is *an urban environment*. Cities "*have always functioned as important receptacles and fertile ground for creativity, attracting creative people from*

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<sup>13</sup> Pine, Gilmore...p. 5.

<sup>14</sup> Bille T (2011) The Scandinavian approach to the experience economy - does it make sense? *International Journal of Cultural Policy* 18: 93-110.

<sup>15</sup> Florida, Richard L. 2012. *The Rise of the Creative Class: Revisited*. New York: Basic Books.

<sup>16</sup> Florida, Richard, *The Rise...*, p.6.

<sup>17</sup> Florida, Richard, *The Rise...*, p.xxi

<sup>18</sup> Florida, Richard, *The Rise...* p. 8.

<sup>19</sup> Florida, Richard, *The Rise...* p. 6.

*the surrounding countryside while providing the structures, platforms, and ecosystems that support and sustain the creative endeavor.*<sup>20</sup>

2. Second, this is a *diverse urban environment*. Creativity "requires cultural heterogeneity: in this way the person grows because he or she is exposed to diversity and ideational conflict"<sup>21</sup> and this allows him or her to engage in cultural acts of "hybridization" or cultural experimentation.

Florida is building a creativity index composed of three T's: **technology, talent** and **tolerance**<sup>22</sup>, which he believes explains why some cities fail to be creative, but also what public policy tools cities should adopt to be creative and reap the benefits and prosperity promised by the creative economy.

Based on the premise that talent does not simply appear in cities, but needs certain conditions to thrive, Florida puts forward a series of measures and policies that it believes would attract talent and creativity to cities, which in turn would generate economic prosperity. For example, Florida recommends<sup>23</sup> fostering diversity in cities, re-orienting cities towards attracting human capital, not firms and companies, attracting bohemians, increasing tolerance, providing affordable housing for the creative class, developing fun and recreational infrastructure (parks, public gardens, cafes, etc).

Florida's theories have had varying degrees of success in the academic and political worlds. Reactions from the academic community have generally been quite restrained and even skeptical<sup>24</sup>. Economists, sociologists, urban planners have pointed out that the theory that creative skills play an increasing role in the economy is not necessarily new, that the effects of urban policies through which cities attract "*creative people*" often translate into gentrification (and there is already a very generous literature on gentrification), increasing spatial inequalities within cities (between the city center and the suburbs), increasing inequalities within the creative class between creatives who "have" and creatives who "have not" (eng. *have and have nots*).

At the opposite pole is the overwhelmingly positive reception of Florida's ideas among urban planners and administrators (mayors, local administrations and governments, etc.). They saw in Florida's ideas a quick recipe for increasing the prosperity of cities. The need for quick solutions was particularly urgent in former industrial cities which, in the context of the increasing globalization of the economy, the relocation of industrial production to other parts of the world, the shift of the economy from industrial to service production, were left with huge unused spaces and a decaying urban infrastructure.

The "creative class" promised, for urban planners, to be the magic solution through which cities hit by the collapse of traditional industries (manufacturing, textiles, machine building, mining, chemicals, shipbuilding, etc.) could reinvent themselves.

In the mid-2000s, several cities around the world started to invest in reconstruction processes according to Florida's "recipes": converting industrial spaces into spaces for artistic

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<sup>20</sup> Florida, Richard, *The Rise...* p. 198.

<sup>21</sup> Florida, Richard, *The Rise...* p. 201.

<sup>22</sup> Florida, Richard, *The Rise...* p. 228.

<sup>23</sup> Florida, Richard L. 2005. *Cities and the Creative Class*. New York: Routledge, p. 109.

<sup>24</sup> See, for example, the chronicle by US economist Edward Glaeser:

<https://scholar.harvard.edu/glaeser/publications/book-review-richard-floridas-rise-creative-class>

creation and production, developing urban infrastructure in a way that would attract the creative class - investing in street arts, bicycle paths, transforming industrial areas into gastronomic and cultural consumption areas (cafes, small art shops), festivals, etc.

More than 20 years after the emergence of Richard Florida's theory, its track record is ambiguous to say the least, if not downright negative: despite the hundreds of millions of dollars invested by authorities to make cities like Detroit more attractive, they have failed to deliver the promised prosperity. In a book<sup>25</sup> published in 2017, Florida found that many of the promises made by the "*creative class*" theory remained unrealized because the economic growth and prosperity of cities did not necessarily depend on the presence of the creative class, that the implementation of strategies to increase creativity mainly benefited the already privileged classes and increased social inequality, that in the competition to attract the creative class, only some cities have won and the rest of the cities have benefited little or almost not at all, that the most visible and direct effect of urban policies aimed at increasing creativity has been gentrification.

Other authors also criticize Florida for confusing cause and effect. In other words, even if it is true that prosperous cities attract creative people and give rise to vibrant and diverse cultural scenes, it is mainly because these cities are initially prosperous and therefore attract artistic communities, and not the other way around<sup>26</sup>.

The discussion of the *creative class* and *creativity* clearly needs to be broadened to encompass not just creativity itself (whatever that means), but also wider changes in the economy. These changes (and their nature) are central to arguments about the creative class and the creative industries.

### 3. New political realities. State restructuring.

The massive transformations of the economy have been accompanied by a structural transformation and strategic reorientation of the capitalist state. The major features of this transformation are:

- **the establishment of a "schumpeterian state<sup>27</sup> of work"** - it promotes innovation in terms of products, processes, organizations and markets within an open economy, with the aim of gaining and strengthening the structural competitiveness of the national economy through supply-side interventions, subordinating policy to the needs of labour market flexibility and/or to the constraints of international competition.
- **hollowing out the nation state** - a process that involves two dynamics: on the one hand, the political relevance that the nation state still retains, and on the other hand, the reality that it can no longer influence the totality of cultural, political, economic and social processes from within, being confronted with risks, processes and developments that have their origins in other, external contexts.

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<sup>25</sup> Florida, Richard. 2017. *The New Urban Crisis: How Our Cities Are Increasing Inequality, Deepening Segregation, and Failing the Middle Class-and What We Can Do About It.* 1st edition. Basic Books.

<sup>26</sup> See especially: Moretti, Enrico. 2013. *The New Geography Of Jobs.* Reprint edition. Harper Business, pp. 189 and infra.

<sup>27</sup> Joseph Schumpeter - Austrian economist who coined and popularized the term creative destruction through competition.

These processes create, in turn, two other dynamics: the need to *coordinate supranational efforts* to manage these risks (hence the proliferation of agreements and organizations at regional, continental and international level), but also, on the other hand, operations whereby states *delegate* more and more **functions and responsibilities at sub-national** level - regional, local, municipal - to entities that may sometimes be non-state: NGOs etc.<sup>28</sup>.

Analyzing the structure of the US GDP and its growth dynamics (in which industrial production occupies a smaller place and non-industrial production has a larger share), some researchers argue that the new economy is a "*weightless economy*", increasingly based "*on dematerialized production in the forms of computer code, media content, design, information and services*"<sup>29</sup>.

#### 4. New social realities

Political and economic transformations are accompanied, in their turn, by massive social changes, some of the most important of which are the *process of individualization* and the *projection of work, culture and social life*.

- **Individualization** is the social process that designates in sociology, the way in which individual persons achieve increasing autonomy and freedom of action in relation to social structures of class, tradition, etc. Individualization would mean, therefore, increasing individual freedom in political, economic, etc.

However, individualization under late capitalism also means that people no longer have to seek solutions or expect support from collective structures - the state welfare system, unemployment protection, etc. - but have to rely on their own strengths. Moreover, basic social institutions encourage or even impose individualization (labour market, the need for mobility and training, labour and social legislation, pension provisions, etc.).

Emancipation therefore has another aspect that accompanies it - *anomie*, and these two are two sides of the same coin - individualization. Individuals are forced to assume not only their merits but also their failures, including for social processes that are considered to be "structural" - poverty, addiction, unemployment, etc. Both success and failure become *the merit or responsibility of the individual person*. "Your life is your failure."<sup>30</sup>

Work is central to this individualization process. Individualization is a product of the labour market and manifests itself in the acquisition and management by individuals of a variety of occupational skills and manifests itself in three components of the labour market - education, mobility and competition.

- Another phenomenon worth considering is the *projectification of culture*. Projects and the organization of work in the form of projects have become so widespread that some researchers believe that we can speak of an age in which everything is

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<sup>28</sup> Bob Jessop. Post-Fordism and the State. In *Post-Fordism: A Reader*, Wiley-Blackwell, 1995, pp. 251-280.

<sup>29</sup> Coyle, Diane. 1998. *The Weightless World: Strategies for Managing the Digital Economy*. MIT Press.

<sup>30</sup> Beck, Ulrich, and Elisabeth Beck-Gernsheim, p.25.

projectized<sup>31</sup> and that projectification would represent a new human condition - the project society.

Broadly speaking, *a project is a form of temporary intra- and inter-organizational arrangement for accomplishing tasks*. In the EU, over 60% of the budget is currently administered through project funding mechanisms covering areas as diverse as development, research, culture and social policies<sup>32</sup>. The logic of project-based work organization has reshaped work, time, space and relationships not only in the workplace but also in social life in general. This reshaping has been based on the logic of projects.

In countries such as Moldova, the proliferation of the project logic is happening in a specific context marked by the transformation of the status by reducing its competences in the administration of the cultural sector, the imposition of the logic of market efficiency in the cultural sector (*culture must sell*), the reduction of funding for the cultural sector, etc.

The projectification of culture has several critics. Project logic creates temporary arrangements and often contributes to the reproduction of precariousness. Organizations must constantly chase after projects in order to maintain their teams and to be able to carry out other projects. **Project logic also imposes on the artistic process a grid of interpretation and action** in which factors such as efficient organization of activities (Gantt charts, project management, reconceptualization of artistic work as SMART objectives) **substitute for its aesthetic value or novelty**.

Moreover, the project logic imposes a new language on the artistic process in which sustainability, the expected results of the project, the indicators, the objectives and the targets achieved are more important than the appreciation of the audience or the permanence of the final artistic object in the collective memory.

## 5. The Independent Cultural Sector in Eastern Europe

There is no single genealogy of the independent cultural sector in the Republic of Moldova or other post-socialist countries. The historical, economic, political and cultural conditions are different, as are the contexts in which the ICSs were formed in these countries.

Most of the histories on the emergence of ICS in Eastern European countries converge on the fact that they have their origins in the political and economic transformations that followed the collapse of the planned economy system and state socialism and the imposition of a (neo)liberal model of political and economic organization, also known as the Washington Consensus (market economy, privatization, state downsizing, the emergence of civil society as a competitor of the state, the delegation of some areas traditionally under the state to the private sphere, etc.).

As these societies transitioned to a "market economy" — that is, to a capitalist system of organizing economic life — an independent culture and civil society began to emerge, separate from the state. But this approach needs to be qualified. Some researchers argue, for example, that at least in the case of Yugoslavia there was no official cultural direction (of the

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<sup>31</sup> Jensen, Anders, Christian Thuesen and Joana Gerald. 2016. "The Projectification of Everything: Projects as a Human Condition." *Project Management Journal* 47(3):21-34. doi: [10.1177/875697281604700303](https://doi.org/10.1177/875697281604700303).

<sup>32</sup> Hodgson, Damian E., and Mats Fred, eds. 2019. *The Projectification of the Public Sector*. New York: Routledge, p. 4.

kind of socialist realism in the USSR) and that culture in this context allowed for the existence of various "islands" of criticism and experimentation in which avant-garde art emerged and developed<sup>33</sup>, in direct and constant dialog with contemporary art in the West. In other words, there would have been independent art and culture (and therefore a sector) long before the socialist system of planned economy collapsed.

Also, this approach uncritically postulates that the history of civil society in the post-socialist space begins after the break-up of the USSR. Even if this theme is under-researched, we can nevertheless point out that this was not the case at all. "*Although the supremacy of the Communist Party and its declared intention to control all spheres of life and monopolize all political power cannot be questioned, nevertheless, even in the most problematic periods of this epoch, the regime tolerated or, on the contrary, even created various forms of civic activity and mobilization outside the Party, both at the unitary and republican levels*"<sup>34</sup> Examples abound: the Helsinki Committee, the Moldovan Committee for the Defense of Peace, the Republican Society for the Protection of Monuments of History and Culture, etc.

Moreover, fixing the zero moment of the ICS as the break-up of the USSR introduces an unwarranted blur into the history of local cultural practices. Even during the Soviet era, there existed a cultural space that operated on the margins of, and sometimes outside, the official cultural sphere. This space was marked by experimentation, resistance to official norms, informality, and more..<sup>35</sup>

In a sense, this reading of the history of ICS, links, for the whole Eastern European context, the emergence of ICS to the institutionalization of contemporary art, promoted by the Soros Centres for Contemporary Art, opened in the early 1990s in most of the ex-socialist countries, and which contributed to the popularization and implementation of the idea of contemporary art in these countries as a successor to the official culture of the socialist period.<sup>36</sup>

In the light of the above, it seems plausible that a history of the ICS should include both the informal artistic practices of the period before the collapse of the USSR and the new forms of artistic practice and collective self-organization after 1991, drawing attention both to the novelty of the ICS in the 1990s and to the inevitable continuities with the practices of the 1970s-80s. This history has yet to be written.

## 6. Attempts to define ICS

There are several terms used in the literature to designate ICS: *third sector, non-profit sector, associative sector, emerging culture, alternative culture, civic sector*,

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<sup>33</sup> Vucetic, Radina. 2018. *Coca-Cola Socialism: Americanization of Yugoslav Culture in the Sixties*. CEU Press.

<sup>34</sup> Sprînceană, Vitalie. Civil Society in Rosca, Dorina, and Lidia Cotovanu. 2022. *Republic of Moldova: 30 years in 30 words*. Cartier, pp. 285-286.

<sup>35</sup> See for example Contemporary Art in Moldova in the 80-90s. Interview with painter Igor Scerbina. PLATZFORMA. Link: <https://platzforma.md/archive/3844> but also Dragneva, Lilia. *Artistic group "FANTOM": subjective representation of the real object*, Arta magazine, Issue 1(AV) / 2014.

<sup>36</sup> Octavian Eşanu, *The Transition of The Soros Centers to Contemporary Art: The Managed Avant-Garde*, Kyiv: CCK, 2008

*non-governmental sector; philanthropic sector; socio-cultural sector; non-institutional culture, etc.*

These terms, however, only partially describe ICS, drawing attention to one or more aspects of the sector, but none of them fully express its complex, dynamic and fluid nature. We will take as a starting point a definition used by Miki Branište who characterizes ICS as "*the condition of maladjustment with the repertorial system, critical positioning and the search for a personal aesthetic*"<sup>37</sup>.

One of the widely accepted definitions of ICS is the one provided by Croatian researcher and activist Emina Višnić for whom: '*independent culture*' can refer, in its broadest sense, to all those organizations that:

- *have not been set up by the state or other external organizations, but have established themselves;*
- *which decide independently on their organizational structures, decision-making and management bodies and processes;*
- *which do not depend on the state or any other entity for the content of their programs or for funding.*<sup>38</sup>

An ICS research in Serbia, Montenegro and Macedonia, conducted by the Center for Empirical Studies of Culture in Southeast Europe (NIS, Serbia) in 2009, added two more to the features listed by Višnić:

- *the work of ICS actors is non-profit;*
- *they deal mainly with contemporary art.*<sup>39</sup>

While this definition is quite generous, features such as financial independence and contemporary art we find problematic, for reasons that we discuss below.<sup>40</sup>

## 6.1 Financial independence

In the most general sense, financial independence would have meant, for example, that the ICS, through its activities, was able to generate sufficient income (from ticket sales, etc.) to be able, if not to grow, at least to stay afloat. For example, in the questionnaire conducted for this study, **65%** of the respondents indicated that the share of income from the sale of cultural products/ the provision of cultural services for a fee in the budget of the organization/initiative is less than **20%**. **The majority of income for organizations comes from international and local grants.**

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<sup>37</sup> Miki Branište, Creativity as a commodity: a perspective from inside the independent cultural scene in Cluj 2009-2019, pp. 98, Idea, 2021

<sup>38</sup> Višnić, Emina. *A bottom-up approach to cultural policy-making: Independent culture and new collaborative practices in Croatia*. Amsterdam, Bucharest, Zagreb: European Cultural Foundation, ECUMEST Association and Clubture Network.

Link: <https://cute.finna.fi/Record/cute.18013?lng=en-gb>

<sup>39</sup> Cveticanin, Predrag. n.d. "Vaninstitucionalni Akteri Kulturne Politike u Srbiji, Crnoj Gori i Makedoniji."

Link:

[https://www.academia.edu/6403893/Vaninstitucionalni\\_akteri\\_kulturne\\_politike\\_u\\_Srbiji\\_Crnoj\\_Gori\\_i\\_Makedoniji](https://www.academia.edu/6403893/Vaninstitucionalni_akteri_kulturne_politike_u_Srbiji_Crnoj_Gori_i_Makedoniji)

<sup>40</sup> Sepp Eckenhaussen. Scenes of Independence: Cultural Ruptures in Zagreb (1991-2019), p. 122.

Link: <https://networkcultures.org/wp-content/uploads/2019/12/ScenesOfIndependencePDF.pdf>

Somewhat paradoxically for a sector that has built itself in opposition to the official art system, the majority of respondents to the survey (**77%**) **believe that the state should support the ICS**. In all Eastern European countries, the financial independence of the ICS from the state or private donors remains largely an aspiration rather than a reality.

## 6.2 Contemporary art

Another problematic aspect of this definition is the fact that the ICS would deal mainly with contemporary art. The discussion of contemporary art is complex and beyond the scope of this study.<sup>41</sup> We will mention only a few aspects.

The discourse on contemporary art as it was performed in Moldova (and in post-socialist countries) also had important cultural-political stakes. Thus, at the beginning of the 1990s, this discourse tended to construct an opposition between the official socialist culture, which had been practised until then and which was described as rigid, conservative and politicized, and a new type of culture - autonomous (in relation to the political), individual or organized on a network basis (in opposition to the old creative unions), anti-political (in the sense that it was separate from the official ideology of the state), transnational (in opposition to the nationalism of traditional art).

The expression "contemporary art" signaled, especially through the Soros Centers for Contemporary Art, a radical distancing from the politics of culture under socialism - in which "art (at least officially) provided symbolic power to the masses - towards the "autonomy" of art to assert and serve the interests, needs, desires and "freedom" of the private individual acting within the legal boundaries of bourgeois civil society and/or the market".<sup>42</sup>

The contemporaneity of art is, in this discourse, an act of censorship, a break with official cultural policies. Through contemporary art, this rupture is transformed into a new artistic field, which proposes new modes of (self-)organization: the emergence of curatorship, the gallery selling artworks, etc.

The discourse on contemporary art also aimed, in the early 1990s, to re-connect local cultural scenes (especially informal or even dissident ones, on the idea that through their practices they maintained invisible links and kept pace with the developments of art in the West) to global cultural processes (especially the cultural logic of late capitalism).<sup>43</sup>

Last but not least, the contemporary art project was embedded *in* the process of radical transformation of post-socialist societies, and was part of a process called "*capitalism by design*", i.e. the establishment, through deliberate interventions, of a capitalist system similar to the one existing in the West.<sup>44</sup>

This brief historical excursion is relevant for our study for the reason that the meaning of contemporary art is also dynamic, subject to constant interpretations<sup>45</sup>, including in the

<sup>41</sup> For a discussion of contemporary art see Osborne, Peter. 2013 *Anywhere or Not at All : Philosophy of Contemporary Art*. Verso.

<sup>42</sup> Eşanu, Octavian. 2021. *The Postsocialist Contemporary: The Institutionalization of Artistic Practice in Eastern Europe after 1989*. Manchester: Manchester University Press, p. 9.

<sup>43</sup> See Jameson, Fredric. *Postmodernism or the cultural logic of late capitalism*. ULBS, 2024.

<sup>44</sup> Eşanu, Octavian. *Contemporary Art and Capitalist Modernization: A Transregional Perspective*. 1st edition. New York: Routledge.

<sup>45</sup> For a discussion of contemporary art, its contemporaneity, the writings and rewritings of contemporary art history, and the temporalities of contemporaneity see Smith, Terry. 2009, *What Is Contemporary Art?* Chicago, IL: University of Chicago Press.

Moldovan context (where a history of contemporary art in socialism and post-socialism is still lacking, as is a historical research on the institutionalization of contemporary capitalist art in the 1990s).<sup>46</sup>

In the Republic of Moldova, contemporary art, in its most general sense, is no longer contrasted with "official" art. One could even argue that contemporary art has become a kind of new official art. The "old" cultural institutions, against which the discourse of contemporary art was constituted, have learned not only to tolerate it but, in a truly remarkable process, even to incorporate contemporary art into their cultural practices.

Thus, for example, the Union of Artists (UAP) of Moldova organizes, starting in 2023, the National Salon of Contemporary Art<sup>47</sup>, with the support of the Ministry of Culture and the Culture Department of the Chisinau City Council, and the term contemporary art has been used in public discourse, including state news agencies, to describe even art exhibitions on traditional motifs (such as, for example, an exhibition on Eminescian motifs inaugurated in 2017<sup>48</sup>). In an album published in 2023 and dedicated to contemporary art, the UAP writes that it would have managed contemporary art exhibitions as early as 1991.<sup>49</sup>

In the Coalition of the Independent Cultural Sector of Moldova, there is only one organization that uses Contemporary Art in its name and in its activity profile - the Centre for Contemporary Art, Chisinau [ksa:k]. Apart from ICS, only one other entity uses Contemporary Art in its name - the LLC Fabrica de Artă Contemporană<sup>50</sup> (founded in 2018, since liquidated).

Another illustration of the fact that the ICS does not only involve initiatives using contemporary art practices is the fact that among the members of the CSCI there are also organizations dealing with what are considered to be "traditional" arts, for example the programme of festivals of music played on old folk instruments by the AO Alliance of Generations.

How then do we define ICS? *Although the actors in ICS carry out artistic and cultural activities, none of them remain strictly within the confines of the artistic world or cultural production and combine activism, social engagement and cultural activities.*

The activist dimension of the sector is not accidental: the majority of ICS members in Moldova believe that art and culture should be socially engaged.

### 6.3 Socially engaged art

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<sup>46</sup> Octavian Eșanu, cited earlier, former director of the Soros Center for Contemporary Art in Chisinau, has initiated an extensive documentation of the institutionalization of contemporary art in Moldova and former socialist countries. See Esanu, *The Postsocialist Contemporary...*, but also Esanu, Octavian, ed. 2020.

<sup>47</sup> <https://www.arta.md/ro/rule/regulamentul-salonului-national-de-arta-contemporana>

<sup>48</sup> Contemporary art exhibition in Chisinau

Link: <https://www.moldpres.md/news/2017/01/13/17000283>

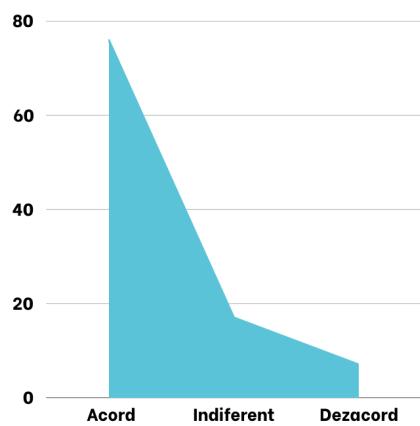
<sup>49</sup> Breazu, Florina, Dumitru Bolboceanu, Gheorghe Ghețu and Elena Casiadi. 2023. *Contemporary Art*. Chișinău: Bons Offices, p. 8.

Link: <https://arta.md/ro/publication/arta-contemporana>

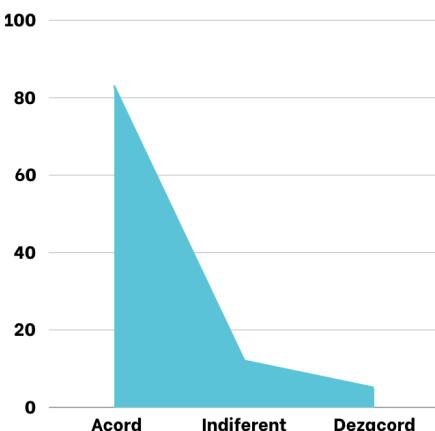
<sup>50</sup>

<https://www.bizzer.md/entitate/1261198/societatea-cu-r%C4%83spundere-limitat%C4%83-fabrica-de-art%C4%83-contemporan%C4%83>

**Arta și cultura trebuie să fie angajate social**

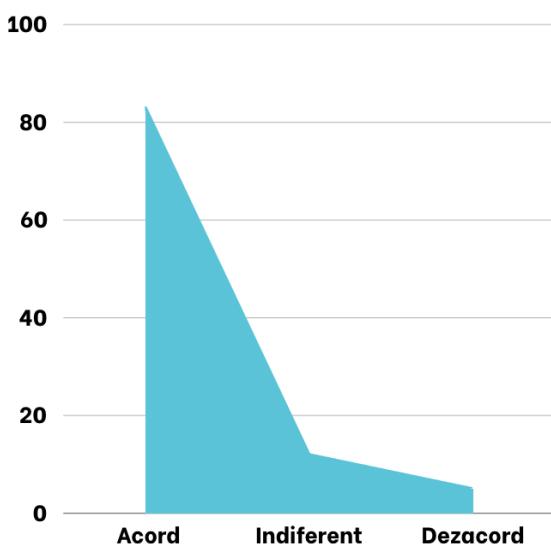


**Arta și cultura trebuie să răspundă la nevoile comunității și să contribuie la schimbare socială**



According to the questionnaire, the majority of ICS members (76%) believe that art and culture should be socially engaged, while at the same time (83%) believe that art and culture should respond to community needs and contribute to social development.

**SCI trebuie să promoveze și să țină cont de alte valori decât cele artistice (inclusiune, activism, justiție socială, ecologie etc.)**



83% of respondents believe that the ICS should promote and take into account values other than artistic ones, such as inclusion, activism, social justice, ecology.

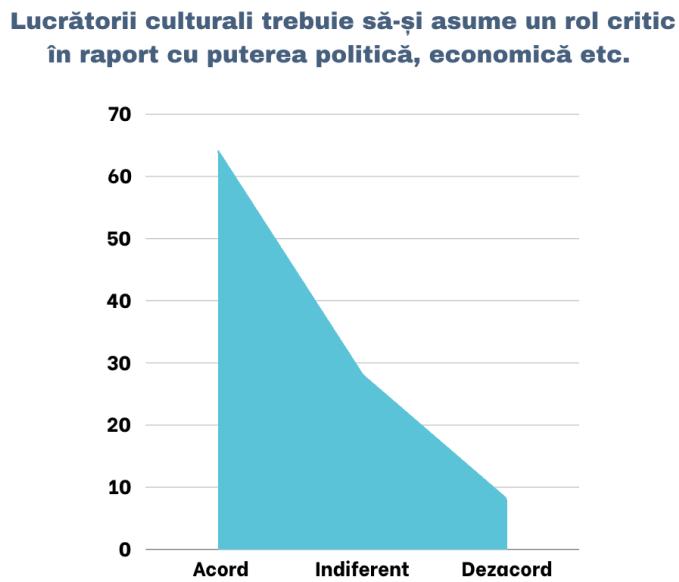
In this way, ICS is cultural in a very broad sense of culture and, even if it practices and realizes cultural activities, they do not follow a logic of art for art's sake but have a strong social conscience, an orientation for change and emancipation of society.

#### 6.4 Curatorial independence

As we have seen above, of the components of ICS independence (programmatic/curatorial and financial), only curatorial independence can be considered an achievable goal and realized in some way within ICS, while financial independence remains a project that cannot be realized at this time.

Independence also means a political commitment to change society, to correct its injustices.

*We observe a curious reversal of roles in this case - official art, which was political in the Soviet period, has become depoliticized in the meantime, and "independent" art, which promoted "apoliticism" as a form of institutional critique and self-legitimization, has now come to incorporate a strong activist component, with a civic and political orientation.*



Theatre "Luceafărul" has deeply marked the scene, showing the limits of freedom of expression in the state cultural sector).<sup>51</sup>

Another sense of independence, close to curatorial independence, is the independence of the sector to continuously re-define itself, to renegotiate its own identity, its own positionality, etc. Only in this sense, where there are no programmatic constraints - present in the official cultural sphere, which has clear missions to manage certain cultural fields - or economic constraints (to make a profit), can we speak of an independence of the ICS.

## 6.5 Invisible work and solidarity

Independence also means that these organizations, initiatives and individual workers that make up the ICS are on their own, i.e. they have to assume both the risks and the benefits of existing outside the public cultural sector, which is, for better or worse, state-funded. This negative aspect of independence (the tension between the desire to create on one's own and the desire to benefit from state social protection will be discussed below) is resolved within the ICS by a proliferation of invisible work and solidarity.

Beyond the rhetoric of individuality and individualism, work in the cultural sector (especially in the non-commercial sector) relies heavily on a huge invisible labor of care, solidarity and mutual support. Thus, *"cultural sector workers, rather than acting as*

For ICS members, a critical stance in relation to power is one of the sector's values. Almost **2/3 of the** respondents to the questionnaire agreed or strongly agreed with the statement that cultural workers need to take a critical role in relation to political, economic etc. power. This dimension of independence - the independence to criticize - is a sensitive topic for ICS, especially in the context surrounding the reintroduction of censorship in the public cultural sector (e.g. the banning of David Schwartz's "Invisible" at the Republican State

<sup>51</sup> See the series of articles: Censorship and self-censorship in Moldovan theater: the case of the performance "Invisible" at the Luceafărul Theater, Link: <https://platzforma.md/arkhive/394108>, Censorship beats theater...epilogue to the unpublished play "Invisible", Link: <https://platzforma.md/arkhive/394131>

*egocentric, calculative and individualized subjects, actually participate in local relational infrastructures in which sustainability and reciprocity are accompanied by considerations of caring and caring practices towards others.*<sup>52</sup>

In this sense, cultural workers in the independent sector often enter into ***non-competitive relationships***, in which competition or the desire for affirmation is pushed to the background, and solidarity, mutual help, mutual love and care, mutual mentoring, sharing resources, offering resources to initiatives that do not have (legal support, support in interacting with authorities, help in the form of loan of tools, space, staff, volunteers, other resources), sharing grant, scholarship or artistic mobility opportunities, help in completing grant or public funding applications, exchange of information, mutual help with domestic matters - raising children, etc.

At a more general level, these artistic communities also show ***care*** for other groups of human and non-human subjects: the society of which they are a part, nature and ecological balance, local language and culture, traditions (especially forgotten ones), common goods, etc. From this point of view, creative activity is "*a form of work or practice of caring centered towards the Other, towards Others, in which interconnectedness, relationality and sensitivity to the vulnerability of others are fundamental characteristics of the work.*"<sup>53</sup>

*"Under precarious conditions, creative workers carry out their work in a relational rather than strictly calculated or economic way. In doing so, they transform work practices into 'relational practices', whereby informal, interpersonal efforts to attend to petty social relations become the basis for the realization of economic activities."*<sup>54</sup>

Thus, these forms of organization engage in forms of ***prefigurative politics*** in which, through their current practices, through the way they self-organize, they construct small utopias that can serve as alternatives to the capitalist society of exploitation.

Prefigurative politics means "*within the ongoing political practice of a movement [...] those forms of social relations, decision-making, culture and human experience that represent the ultimate goal*"<sup>55</sup>. In other words, members of the ICS are not only aware of the injustices present in their organizational structures and activities — such as sexism, homophobia, exploitation, and self-exploitation through work — but they also actively work to create organizations and workplaces where these issues do not exist.

## **7. ICS and official recognition**

The expression "independent ***cultural sector***" is not defined in any way in the legislation of the Republic of Moldova. It appears only once - in the Informative Note to the Draft Law on the National Fund of Culture, approved by the Government on December 13, 2023<sup>56</sup> - in the form "*The Ministry of Culture has initiated the process of drafting the draft Law on the National Fund of Culture, which establishes the creation of a new mechanism for*

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<sup>52</sup> Alacovska, Ana, and Joëlle Bissonnette. 2021. "Care-Ful Work: An Ethics of Care Approach to Contingent Labor in the Creative Industries." *Journal of Business Ethics* 169(1), p. 136.

<sup>53</sup> Alacovska, Ana, and Joëlle Bissonnette, p.146.

<sup>54</sup> Alacovska, Ana. 2018."Informal Creative Labor Practices: A Relational Work Perspective." *Human Relations*71(12):1563-89.

<sup>55</sup> Boggs, Carl. 1977. "Revolutionary Process, Political Strategy, and the Dilemma of Power." *Theory and Society* 4(3):359-93.

<sup>56</sup> [https://gov.md/sites/default/files/document/attachments/subject-02-nu-905-mc-2023\\_0.pdf](https://gov.md/sites/default/files/document/attachments/subject-02-nu-905-mc-2023_0.pdf)

*financial support of the **independent** and private cultural sector in the field of arts and creative industries in the Republic of Moldova".*

However, the phrase does not appear in the very body of the Law on the National Fund of Culture No. 12/2024<sup>57</sup> where it talks about the cultural sector in general, which is not defined either. The phrase "*independent cultural sector*" appears once more in the official language, in the text of the Ministry of Culture's press release after the government meeting of December 13: "*The Government of the Republic of Moldova today approved the draft law on the National Fund of Culture, a new mechanism for financial support to the **independent and private cultural sector in the field of arts and creative industries**.*"<sup>58</sup> ICS is not defined in any way this time either, but it is mentioned nonetheless.

One thing to which we should draw attention in this way of mentioning ICS is that the Ministry of Culture, in its discourse, makes a distinction between the **independent cultural sector** and the **private sector** in the field of arts and creative industries. In other words, the Ministry of Culture recognizes and legitimizes the difference between an independent cultural sector and a private sector, which would be different and separate.

The legislation of the Republic of Moldova does not define "private sector" anywhere, but uses it in the sense of the profit-oriented economic sector outside the state (for example, it is used in this sense in GD No. 799/1995 on the creation of the Agency for the implementation of the private sector development project<sup>59</sup> and various private sector development strategies implemented by it.

In the report *Evaluation of the cultural sector in the Republic of Moldova in the perspective of elaboration of the Strategy for Culture and Heritage - 2030*<sup>60</sup> elaborated by A.O. Center for Cultural Policies (Veaceslav Reabcinshi, Lidia Varbanova) the authors dedicate a whole chapter to ICS (pp. 119-132). However, even though the term "independent cultural sector" is even in the name of the chapter, the authors of the report do not provide any definition of it.

Moreover, in the text, instead of explaining the phrase or seeking to define its meaning in any way, the authors resort to a subtle operation of conceptual substitution. Thus, instead of ICS, the expression "civil society" appears (and a brief definition is given), and civil society is analysed strictly as civil society organizations (CSOs) such as NGOs, foundations. In our view this understanding of the independent cultural sector is rigid and limited.

Focusing solely on CSOs excludes the many informal forms of self-organization within the ICS, such as informal artists' groups, grassroots initiatives, civic networks, consultative forums, and individual artists or cultural workers. On the other hand, emphasizing 'civil society' risks overlooking the cultural goals and practices of the ICS. However, as we will see, the ICS is both 'civic' — aimed at driving social change and promoting values — and 'cultural' — focused on experimenting with new forms of cultural

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<sup>57</sup> [https://www.legis.md/cautare/getResults?doc\\_id=141864&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141864&lang=ro)

<sup>58</sup>

<https://mc.gov.md/ro/content/fondul-national-al-culturii-noul-mecanism-ce-va-sustine-sectorul-cultural-independenți>

<sup>59</sup> [https://www.legis.md/cautare/getResults?doc\\_id=47836&lang=ro](https://www.legis.md/cautare/getResults?doc_id=47836&lang=ro)

<sup>60</sup> <https://mc.gov.md/sites/default/files/file-cloud/rap-fin-strat-2030.pdf>

expression and practice. In conclusion, the legislation in the field of culture as well as the regulations of the Ministry of Culture still do not contain a single and clear understanding of ICS, although they use the term. The Ministry recognizes the difference between the ICS (non profit-oriented) and the private (profit-oriented) sector in the field of arts and creative industries.

The lack of recognition of ICS by the state (and society in general) is also felt by ICS members and has several dimensions. At one end, it means that ICS cultural workers are not recognized as cultural workers, i.e. in the eyes of the state, people who create and produce dozens of cultural events a year have no status. *"We had no status. What worries me is that tomorrow after tomorrow we won't have pensions. Our work is not recognized as work."* (Interview 6)

Another dimension of recognition has to do with the fact that if the state does not recognize this work, some cultural workers have doubts about whether their work will be recognized by the wider society. *"Another challenge is that the work is not recognized, and you think, 'Does anyone need your painting or not!' You always face this dilemma, you seem to understand the necessity and the usefulness but on the other hand nobody wants your painting. I understand that there are a lot of things, you have to be more active, you have to promote yourself better, so maybe you sell better."* (Interview 16)

Cultural workers within the ICS view the solution to this problem in a variety of ways.:

- the creation of an institution to formalize and manage the contemporary arts and culture sector in order to overcome its marginalization.
- approval of formal agreements that would establish constant communication between the ICS and the authorities. *"I want official recognition of ICS. For starters, you don't need big promises, at least recognize that ICS exists and regulate who the ICS workers are, because there is flow of staff and cadres in the Ministry and you don't want to start the discussion with every new Minister. There needs to be a clear definition of ICS workers"* (Interview 5).
- creating a directorate/subdivision within the Ministry of Culture to be responsible for the ICS, where people with a specific knowledge of the ICS, contemporary art, etc. would work.
- Formal recognition of artistic work as work (e.g. through the adoption of the Statute of the Artist or other acts that would recognize work in the independent cultural sector and would include it in forms of social and health protection).
- recognition and clarification of various new professions, in areas where there are many grey areas (cinema: for example, film editing is not recognized as authorial work), by recognizing the artistic practices they practice (e.g. documentary theatre, improvisation theatre, etc.).
- signing, between ICS members, of documents and declarations that would govern the ICS, make a register of the ICS, etc.

## **8. What does ICS mean for ICS members?**

Of the organizations, initiatives and cultural workers that make up the ICS, only the Coalition of the Independent Cultural Sector of Moldova (CSIRM) operates with a definition of the sector. Thus, in the Manifesto of the Coalition, it defines ICS as a "*cultural sector, made up of politically unaffiliated non-governmental organizations and non-commercial initiatives, which operates autonomously, without interference by the state or the commercial sector in its curatorial and editorial policy*<sup>61</sup>".

At the moment, in the first half of 2025, CSIRM has 15 members<sup>62</sup>, including at least 2 unregistered cultural initiatives from the Republic of Moldova (including the Transnistrian region).

The CSCIRM membership charter stipulates that members of the Coalition can be: **legal entities**, organizations in the field of culture and civic activism, **individuals**, artists and cultural workers as well as **initiative groups** represented by individuals<sup>63</sup>. It covers all forms of organization of ICS actors, both formal and informal.

It is obvious that the 15 member organizations and initiatives of the CSCI do not constitute the entire independent cultural sector in Moldova. Apart from the CSCI, the independent cultural sector in Moldova also has other, non-institutionalized formats of communication. One of them is the Consultative Forum of the Independent Cultural Sector, a platform for mutual information, mediation and collective action, created at the end of 2023 with the aim to serve as a platform for ongoing communication within the sector. The Forum brings together over 40 organizations, groups, cultural workers, mostly from Chisinau and meets irregularly.

The Forum organizes regular meetings between interested members, organizes events, creates Position Papers on various topical issues in the field of cultural policy. For example, in 2024, the Forum published several Position Notes: *the Position Note of the organizations of the independent cultural sector on the project "Centre of Culture and Contemporary Art "Universe" initiated by the Ministry of Culture*<sup>64</sup>, *the Position Note on the results of the competition for funding of cultural projects of non-commercial organizations for the year 2024*<sup>65</sup> etc. Obviously, these 40 organizations, groups, cultural workers do not constitute the totality of the independent cultural sector in Moldova.

Another way of assessing the size of the independent cultural sector in Moldova is the research exercise carried out for this study, which included a series of interviews and an online questionnaire. The questionnaire received 50 responses and 31 were conducted. This is also not an assessment of the true size of the independent cultural sector.

At present, and likely for the foreseeable future, it is impossible to quantitatively estimate the size of the independent cultural sector in Moldova, whether in terms of the number of organizations or cultural workers. **The sector is far too fluid, dynamic, informal**

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<https://cscirm.wordpress.com/wp-content/uploads/2021/12/manifestul-scenei-culturale-independente.pdf>

<sup>62</sup> <https://cscirm.wordpress.com/membri/lista/>

<sup>63</sup> Members Charter: Link:

[https://cscirm.wordpress.com/wp-content/uploads/2025/03/2025\\_members-charter-csci\\_final.docx-1.pdf](https://cscirm.wordpress.com/wp-content/uploads/2025/03/2025_members-charter-csci_final.docx-1.pdf)

<sup>64</sup> <https://platzforma.md/arkive/393955>

<sup>65</sup> <https://cscirm.wordpress.com/2024/06/25/nota-de-pozitie-2/>

**and unstable to be counted in any way.**

One possible approach to this situation would be to develop a Register of the Independent Cultural Sector. Such a discussion has been taking place for several years in other independent cultural scenes, for example in Bulgaria. One of the constant demands of ICS organizations in Bulgaria has been for the Ministry of Culture to compile an ***updated register of independent artists***. The register should have collected and systematized information on the field of activity, annual income, insured status, type of employment, educational diplomas/qualifications obtained, information on selections, nominations, awards, professional achievements, membership in national and international professional associations/networks,; owned/rented premises; owned/rented props and equipment (sets, instruments, sound equipment, lighting etc.)<sup>66</sup>. This request has been neglected.

However, in 2020, in connection with the Covid 19 pandemic, when the Bulgarian Ministry of Culture decided, following a letter signed by more than 2300 organizations, to financially support artists/artists from the independent cultural sector with allowances of 3 minimum monthly salaries plus social insurance payments for this period. However, the Ministry had difficulties in identifying who they are. The independent cultural sector distributed a questionnaire to identify cultural workers who would need this support, which was completed by 920 people .<sup>67</sup>

In a similar way, Romania lacks a Registry of the Independent Cultural Sector (according to the expert interviewed by us, a certain resistance in compiling this registry stems from the reluctance to leave it up to the state to define artists - "*the state should not decide who is an artist and who is not*"). At the beginning of the COVID 2019 pandemic, on March 26, 2020, the Romanian Government approved the emergency ordinance that included a special provision for individuals who derive income exclusively from copyright and related rights, according to the regulations in force. These individuals were to receive an allowance equal to 75% of the average gross salary guaranteed by the general consolidated budget through the County Agencies for Payments and Social Inspection or the Agency for Payments and Social Inspection of Bucharest<sup>68</sup> . In this situation, "artists" were designated as all persons deriving income exclusively from copyright and related rights. This indirect estimate is also inaccurate, as not all the work included in the independent cultural sector - especially the part of organizing events, the technical or administrative part - cannot be included in copyright contracts.

Another reason why it is impossible to "count" the Moldovan ICS is a subjective factor: the sector is constantly evolving and redefining itself, both internally and in relation to the outside world. In other words, even within the ICS itself, there is no consensus on a single definition of what the ICS actually is. In general, the respondents to the questionnaire and the interviewees agree on ***the tripartite division of the cultural sector into a state cultural sector*** (whose function is to satisfy the basic cultural needs of citizens and which is and should be financed from the public budget), a ***private cultural sector***, composed of creative cultural industries (whose function is to generate profit from cultural activities) and an ***independent***

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<sup>66</sup> ННПО и битката за регистър на независимия културен сектор. Link: <https://offnews.bg/kultura/npo-i-bitkata-za-registar-na-nezavisimia-kulturen-sektor-769444.html>

<sup>67</sup> <https://www.kultura.bg/article/519-problemite-na-nezavisimiya-sektor>

<sup>68</sup> <https://www.cultura.ro/informatii-pentru-persoanele-care-obtin-venituri-din-drepturi-de-autor>

**non-profit cultural sector**, oriented towards satisfying other cultural needs, promoting values, taking positions, educating citizens, etc.

This tripartite division is, of course, somewhat conventional (in the sense that it is constructed by the actions of the actors who take it for granted), but it is how both the Ministry of Culture and the other cultural actors read the situation. The division is less rigid than one might think, both in terms of the rather ambiguous boundaries between these sectors and in terms of the ease with which members of the various sectors move easily from one to the other (from state to private, for example, or from the private sector to public office positions), but also in terms of the fact that some cultural actors are simultaneously part of the ICS and the public or private cultural sector. Respondents refer to this tripartite division when asked to self-identify and talk about their perceived place within the cultural sector.

One of the justifications for this dual membership is the tension between the economic reality - the need to survive - and the desire to create. In this case, respondents say that they make their living in the state or private cultural sector (or outside it), and the ICS is the place where they realize their soul activities, i.e. the place where they develop their creative potential. Another justification is the underdevelopment of the private cultural sector but also the rigidity of the state cultural sector, so that some fields of activity can only be found in the ICS. *"When I take on my curator hat I identify myself with ICS because in our country curating is a new form of work and there is no form of organization of curators."* (Interview 30)

Most often, respondents talk about the following values of ICS: **autonomy, independence, political commitment, civic activism, non-profit orientation, experimental character, non-hierarchical operating principles, solidarity, diversity, pluralism, critical thinking. Other values mentioned by respondents: promotion of inter-ethnic peace and understanding, social cohesion through artistic practices, etc.**

- **Autonomy** is understood as the freedom of ICS actors to decide for themselves, without interference from the state or the private sector, on the cultural content they work on.

*"In the public cultural sector you don't have the freedom to work with the themes that interest you directly, you work with what you are given."* (Interview 3)

*"ICS represents cultural workers who work without the involvement of state or commercial structures. In ICS, the result of artistic work must be satisfactory only to the author, there is no other body to dictate the conditions."* (Interview 5).

*"I think what defines ICS is that it is very conscious of what it does, it tries to be autonomous and to have a discourse that is not influenced by political, private, donor or other institutions' interests."* (Interview 19)

Some respondents also speak of a flip side of autonomy - that in which actors in the ICS assume not only the freedoms that come with it, but also the whole set of work and processes that make the creative act possible, i.e. the risks. *"The artist has to take care of everything: what space he stays in, how he heats it, how he procures materials, how he sells, how he actually exists"* (Interview 1)"

- Another ICS value mentioned by respondents is: **Independence**.

*"I understand ICS as a cultural and artistic activity that is financially independent from any structure, and I would even say voluntary."* (Interview 1)

*"For me, being an independent artist is not just about not being part of a state or private structure, it's more about what your artistic product is."* (Interview 16)

*"For me independent means not being dependent on the state or a political party, that doesn't mean apolitical, but unaffiliated, and not necessarily serving the interests of the parties at least in the country where you work. How independent are you when you take money from the Swedish government for example. Now the Swedish government is right-wing, if we take money from the Swedes does that mean that we are right-wing?"* (Interview 17)

One of the most frequently discussed aspects of independence is the contradiction between financial independence (which ICS actors want) and dependence on public or grant funding. *"Local authorities still don't understand what ICS means, for them independence only means financial independence from state authority and not with curatorial independence. And then the questions arise, if you call yourself independent why are you asking for money?"* (Interview 3)

*"I'm kind of caught between this rhetoric that we have to be independent because we chose to make movies and that's a pretty expensive form of art and we have to take that on. At the same time it's so expensive that you can't do it alone. We have to be somehow in the middle of being both commercial and artistic and that's super complicated."* (Interview 10).

*"ICS can be funded, it can collaborate with state structures, but independence is when your cultural activity is not influenced by donors or the state."* (Interview 15)

*"Independence from the state is in conflict (with reality: N.A.), if it is the independent sector (then. N.A.) why is it asking for state's aid? But it is very painful for me that the independence of the cultural sector is linked to money, i.e. cultural workers still have to eat bread and cannot exist otherwise."* (Interview 23)

- **Civic and social engagement** is present in the ICS.

*"ICS must respond to the needs of society."* (Interview 5).

*"Another difference is about values, ICS includes an intersectionality of values, critical of the system and not profit-oriented."* (Interview 4)

*"ICS is trying to be much closer to the public and to answer some questions, problems that society is facing."* (Interview 18)

*"A cultural sector distinct from the public and commercial private cultural sector, politically unaffiliated, which prioritizes culture as a common good and right, with an educational and emancipatory role for the marginalized, which complements the work of other sectors (public and private), without being reduced to the traditional understanding of the role of culture in Moldovan society."* (Interview 11)

- **Non-profit orientation.**

*"We are creating an artistic product that practically cannot be sold, it is a cultural rather than a commercial product."* (Interview 2)

- **Experimental character.**

*"The difference with the public cultural sector is that we have different priorities, different goals, different work structure. We work with new artistic practices, that's why the state doesn't always understand what we do."* (Interview 2)

*"ICS is a more experimental area. Very few are lucky enough to sell."* (Interview 16)

*"ICS institutions are the places where the most and bravest experiments happen."*  
(Interview 18)

- **Non-hierarchical operating principles.**

*"ICS differs from the public cultural sector in the way we work, here we work as equals."* (Interview 7)

- **Political orientation.**

*"For me, if you want to be part of ICS, you don't go to work in a state or private theater because you want something to say, to fight against the system. You're not part of ICS to do nice, conservative stuff. If you want to work in the cultural sector, it's safer to work within the state or private sectors. And if you want to work in this third sector, you know that you might work in precariousness but you want to fight for some ideas, you want to change something."* (Interview 18)

*"The role of the ICS is to promote democracy and free expression."* (anonymous questionnaire reply)

- **Solidarity.**

*"I would like to think that a value in ICS is solidarity, that it matters to be together, to understand that together we create a context, to understand beyond our institutions how to be relevant together, how to talk together about a problem. At a time when we are so economically vulnerable, it's important to share resources, and we have done that over the years, but we can do it better."* (Interview 18)

- **Sector covering needs not covered by other sectors**

*"This sector complements existing sectors, in other words, it fills some niches, which the public and private commercial sectors fail to fill. And from there it already varies, depending on what we have in terms of public provision or commercial provision, the independent sector could adapt and fill the other niches."* (Interview 11)

- **It promotes diversity, pluralism, critical thinking, activism.**

*"The role of ICS is crucial in promoting diversity, authentic creativity and critical thinking, providing a platform for marginalized voices and topics neglected by the mainstream. In addition, the independent cultural sector plays a vital role in energizing communities, supporting the development of local identities and civic participation through arts and culture."* (anonymous answer to the Questionnaire)

- **Sector that supports budding artists.**

*"The role of the ICS is to support and encourage young people with vocations to choose the professions they desire."* (anonymous, questionnaire).

*"ICS supports emerging artists and marginalized communities in need of support."* (anonymous, questionnaire)

## **8. A proposed definition**

The definition of the ICS can only be descriptive and in no way can it prescribe who is and who is not a member of the ICS, who should and who should not be part of the ICS, etc. These questions are questions of the discussion, including the political discussion, within the ICS, of its fluid positionality (as is the fluid reality in which the ICS exists).

A possible definition, which the authors of the study propose based on interviews and questionnaire responses, would be along the following lines: *an ICS is an entity, formal or informal, institutional, collective or individual that is not created by the state (or by commercial entities for the purpose of corporate image laundering), that carries out cultural activities, that is independent and autonomous in curatorial and programmatic terms, that has a non-profit orientation (even though it may sell cultural products or services to support itself), that tends to be financially independent in relation to the commercial sector and less so in relation to the state sector (the ICS views culture as a common good, believing it to be just as much a part of cultural heritage as the public cultural sector), takes a critical stance in relation to various forms of power (both formal - the state, corporations, but also informal - profit logic, discrimination, homophobia, racism), rejects 'art for art's sake' and integrates in its cultural practice political, cultural and social dimensions such as social cohesion, emancipation, interethnic peace, pluralism, solidarity, experiments with various cultural forms and practices and acts, in relation to its beneficiaries, on the understanding that art has a social responsibility towards the community.*

#### RECOMMENDATIONS:

1. Increasing self-organization of the ICS by creating their own trade union organizations to promote the interests of cultural workers in the ICS, the recognition of the sector, better working conditions and social protection. These trade union organizations may be new entities or may be subdivisions of existing trade union organizations.
2. Coalition of ICS with other organizations (independent trade unions, unions of cultural workers, associations of creative industries and service workers) for the recognition of work on the platform, for the regulation of freelancing and atypical contracts.
3. The realization by the ICS of actions to increase its visibility among the general public: magazines, posters, online platforms, etc.
4. Initiation, by CPA and LPA institutions, of actions aiming at the official recognition of ICS by:
  - creating a subdivision dedicated to the Independent Cultural Sector within the Ministry of Culture and, possibly, the City Hall of mun. Chisinau City Hall, to ensure constant communication with the sector and to promote measures to improve access to resources and working conditions in the ICS.
  - Recognizing the work of ICS cultural workers as work (through social and medical protection measures, the Law on the Status of the Artist, etc).
  - Integration of ICS in the public cultural sector by inviting ICS in the organization of cultural events, integration of ICS in the program of public cultural institutions (museums, theatres, concerts, galleries, etc).
5. Starting the process of developing the ICS Register.

## Chapter 2. Analysis of the legal framework relevant to the independent cultural sector.

### 1. Legal framework regarding the associative sector

We refer on the one hand to the legal framework on culture and on the other hand to the legislation on civil society which has contributed to the development of the ICS.

The first act regulating civil society is the *Decree of the Presidium of the Supreme Soviet of the MSSR on the Provisional Registration of Public Associations of Citizens* in the Moldovan SSR of 1989, followed by the *Law on Political Parties and Other Social-Political Organizations* of 1991, the *Regulation on Public Associations* of September 1992, the *Law on Public Associations* No. 837/1996, repealed in 2020.

The current legal framework on public associations is the *Law on Non-Commercial Organizations* No 86/2020.<sup>69</sup>

### 2. Legal framework on culture

In 1992, the Republic of Moldova ratified the statute of the United Nations Educational, Scientific and Cultural Organization (UNESCO)<sup>70</sup>. Also in 1992, the President issued *Decree 203/992 on the unchanged measures for the development of culture*, which obliges the Government to adopt within two months a program for the development of culture that would provide:

- setting the priorities of state policy in the field of culture;
- draft laws on the protection and development of culture;
- ensuring social protection for masters of art and literature;
- creating a system of concrete measures on financial support for cultural and arts institutions;
- setting reduced tariffs for electricity, heating and utilities for cultural budget institutions and creative unions, as well as reduced fees for renting creative workshops;

In 1993 the Government Decision no. 343/1993 on the approval of the *State Program for the development of culture for 1993-2000 and ensuring social protection of people of culture, the* first strategy for the development of culture in the Republic of Moldova (hereinafter Program 93).

The document came after a long period in which culture had been centrally organized, managed and directed by the state and aimed to eliminate the centralized monopoly on culture by partially transferring the functions of state management in culture to local self-government bodies.

In the spirit of the time, the document had a strong orientation towards the recovery of national culture, and the motif of "overcoming the consequences of denationalization" promoted in Moldova is one that animates the entire program.

Program 93 aimed to develop a modern concept of development of art and culture. According to this program, state policy in the field of culture had to comply with the

<sup>69</sup> [https://www.legis.md/cautare/getResults?doc\\_id=122391&lang=ro](https://www.legis.md/cautare/getResults?doc_id=122391&lang=ro)

<sup>70</sup> [https://www.legis.md/cautare/getResults?doc\\_id=115587&lang=ro](https://www.legis.md/cautare/getResults?doc_id=115587&lang=ro)

following principles: revival and promotion of national cultural values; legal protection of culture; and launching culture on the European and world circuits.

**The main provisions** of Program 93 were:

- Establishment of **the Fund for the Development of National Culture and Art** under the Ministry of Culture and Religious Affairs (Article 2).
- **Facilities for the payment of electricity, heating, utilities** and telephone installation for members of creative unions with creative workshops.
- **Regulating the price for renting** creative **workshops** - from 0.7 to 0.2 percent of the minimum wage for each square meter of space per year (Article 4).
- **Regulating the author's fees and the salaries of** the creative staff and of the staff of the companies that carry out the state social cinematographic orders, financed from the budget (Art. 6).
- Development of a Complex State Program on **housing insurance** for employees in the cultural sector and members of creative unions (Art. 8).
- Regulating **the retirement** conditions for members of creative unions (Art. 9).
- The delegation of cultural policy management responsibilities to local public administration bodies.

In 1995 the Government Decision no. 73/1995 on the approval of the *Regulation of the Ministry of Culture* was promulgated<sup>71</sup>. According to the Regulation, the Ministry of Culture *protects the development of the creative personality for the good of the individual and society, defends the rights and interests of Moldovan people of culture and art and contributes to ensuring equal conditions for the development of art and culture in the Republic of Moldova*.

In 1996, the Soros Center for Contemporary Art (CSAC) opened<sup>72</sup>, an important resource center for contemporary art and the largest alternative funder of contemporary art projects (it was called, at times, the Alternative Ministry of Culture). CSAC contributes to a large extent to the institutionalization of the independent cultural scene in Moldova. In 2000, CSAC broke away from the Soros Foundation and was registered as a public association independent of the Foundation under the name "*Center for Contemporary Art, Chisinau*" (KSAK), the name by which it still goes today.<sup>73</sup>

In 1997 by HG 672/1997 the State Program "*Development and Protection of Culture and Art in the Republic of Moldova for the years 1997-1998*"<sup>74</sup> was approved. The document was intended to replace Program 93, without, however, making an evaluation of it and of the fulfillment of its proposed targets. In contrast to Program 93, the 1997 document proposed minimal ambitions: "*the main objective of state policy in the cultural sector is the preservation and protection of the cultural heritage, along with the maintenance of the system of institutions that provide the framework for the development of spiritual life*".

Among the priority objectives of the Program were:

- Creating an ethical framework, the democratic rule of law, in the field of respect for freedom of creation and thought, conducive to civic and patriotic sentiment;

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<sup>71</sup> [https://www.legis.md/cautare/getResults?doc\\_id=52743&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=52743&lang=ro#)

<sup>72</sup> <https://soros.md/timeline/>

<sup>73</sup> <http://www.arta.neonet.md/artaalternativa/>

<sup>74</sup> [https://www.legis.md/cautare/getResults?doc\\_id=82963&lang=ro](https://www.legis.md/cautare/getResults?doc_id=82963&lang=ro)

- Supporting all forms and genres of artistic creation and cultural action, ensuring broad access to the values of national and universal culture;
- Supporting all forms of self-organization and cultural initiative of citizens;
- Supporting state and non-state cultural institutions on various levels.

In 1999 the ***Law on Culture*** no. 413/1999 was approved<sup>75</sup>, currently in force. The Law establishes that the Ministry of Culture is the "*specialized central public authority coordinating cultural activity in the state*".

The document introduces some new features:

- puts on equal footing professional creative people (usually those who were members of creative unions) as well as other creative people "*as regards the right to intellectual property, the right to dispose freely of the results of their work, the right to state assistance*" (Art. 12 (3)).
- provides that cultural organizations may be created by all citizens of the Republic of Moldova, in the manner established by law (Article 15).
- the state assumes the obligation to "*ensure the social protection of creative people and to improve the system of their social protection*", but also *to support "creative people, regardless of their membership in any creative organization."* (Article 18(g))
- the state recognizes public associations as participants in the cultural process (Art. 19 (1)).

The next strategic document for culture, the ***Culture Development Strategy "Culture 2020"***<sup>76</sup>, part of the National Development Strategy "Moldova 2020"<sup>77</sup> was published only in 2014 (17 years after the 1997 Strategy). Culture 2020 is an ambitious document that aims, no more and no less, to change the paradigm of cultural policies in the state.

The strategy operates this paradigm shift by *increasing the role of the associative sector* (i.e. non-state cultural institutions) and by recognizing the role of culture as a field that could contribute to the social-economic growth of the country through the *development of creative industries* (the "creative industries turn"<sup>78</sup> ).

The document strongly insists on removing "rigidity" and rendering the process of managing the cultural process more flexible. "*Rigid funding of the sector, according to general financial rules and procedures, does not allow the allocation of resources for the development of a viable and free cultural market.*"

The document proposes to make the funding model more flexible, to allow the allocation of resources for the development of the cultural market and the development of special programs for the development of creative industries.

In March 2024, the Government adopted the *National Program for the Development of Creative Industries "Creative Moldova" for the years 2024-2027* (hereinafter "Creative Moldova Program"<sup>79</sup>). The aim of the document is to propose "*an integrated, predictable and visionary approach for the development of creative industries in the country (...) by creating a*

<sup>75</sup> [https://www.legis.md/cautare/getResults?doc\\_id=141530&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141530&lang=ro)

<sup>76</sup> [https://www.legis.md/cautare/getResults?doc\\_id=60253&lang=ro](https://www.legis.md/cautare/getResults?doc_id=60253&lang=ro)

<sup>77</sup> <https://cancelaria.gov.md/ro/apc/strategia-nationala-de-dezvoltare-moldova-2020>

<sup>78</sup> The term "creative industries" appears in Moldovan legislation for the first time in 2012, in the text of the ***National Strategy in the field of intellectual property until 2020***.

[https://www.legis.md/cautare/getResults?doc\\_id=19899&lang=ro](https://www.legis.md/cautare/getResults?doc_id=19899&lang=ro)

<sup>79</sup> [https://www.legis.md/cautare/getResults?doc\\_id=142706&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142706&lang=ro)

*favorable and comprehensive environment for the development of a competitive and sustainable creative industries sector".*

The document was drafted in line with the National Development Strategy (NDS) "European Moldova 2030", approved by Law No. 315/2022, the 2030 Agenda for Sustainable Development, as well as the provisions of the Association Agreement between the Republic of Moldova.

The creative industries, as they appear in the document, are defined as "*the totality of sectors, whose activities contain an artistic or scientific creativity component, but which also have industrial potential, i.e. they enter the economic circuit, produce value, generate public revenue through taxes and duties paid, create jobs and profit, and thus contribute to regional and national development.*"

The Creative Moldova Program has 3 general objectives:

- Strengthening the creative industries sector through good governance systems, a common regulatory and policy framework, strengthening the position for growth.
- To create a dynamic and sustainable ecosystem for creative activities, based on the interconnection of creative industries, the use of innovative modern technologies and increased export of high quality creative goods and services.
- Enhancing the role of creative industries in Moldova's economic and social resilience (Art. 54).

These objectives have been divided into eight areas of intervention: the regulatory and policy framework; education and creative skills; creative infrastructure; investing in creativity; knowledge sharing, research and development; digital transformation; market promotion and formation; creative ecosystem (Art. 55).

The expected effects of the document are mainly economic: increasing the contribution of creative industries to the national economy (Art. 57), developing technical, entrepreneurial and innovative skills with economic impact of cultural managers (Art. 58), creating extensions of creative industries in smaller cities in the country (Art. 59), increasing access, volume and quality of creative goods and services provided by domestic companies that contribute to increasing export capacity (Art. 60).

At the draft stage, Moldova Creativă was criticized by the independent cultural sector mainly because of its strictly economic orientation, and ignoring other dimensions of culture - such as the social, or cohesion or resilience.<sup>80</sup>

Also in 2024, the Ministry of Culture initiated the process of drafting the Government Decision on the approval of the **Strategy for Culture and Heritage 2030**<sup>81</sup> (hereinafter Culture 30). The document was to be aligned with the National Development Strategy "European Moldova 2030"<sup>82</sup>.

As part of developing the draft Government Decision, a process to gather feedback from stakeholders was initiated (through the governmental participatory platform

<sup>80</sup> Comments on the National Program for the Development of Creative Industries "Creative Moldova" / Link: <https://platzforma.md/arkhive/393480>

<sup>81</sup> Announcement on the initiation of the process of elaboration of the draft Government Decision on the approval of the Strategy for Culture and Heritage 2030

<https://particip.gov.md/ro/document/stages/anunt-cu-privire-la-initierea-procesului-de-elaborare-a-proiectului-hotararii-de-guvern-cu-privire-la-aprobarea-strategiei-pentru-cultura-si-patrimoniu-2030/11875>

<sup>82</sup> <https://gov.md/ro/moldova2030>

particip.gov.md). In the same process, a *study and concept note prepared by* the Institute for Cultural Policy was also conducted and presented to the public in June 2024.<sup>83</sup>

The study aimed to assess the cultural sector in Moldova in its three major components: the public cultural sector, the creative industries and the independent cultural sector.

The concept note lists the *main challenges facing the ICS that should be taken into account when developing the 2030 Strategy*:

- A weak independent cultural sector in the process of being established;
- A lack of effective policies to strengthen the capacity of the independent sector;
- Low participation in EU cultural funding programs;
- Poor information of the population about the work of non-governmental organizations, especially in rural areas;
- Insufficient sector funding prevents organizations from investing in sustainable development and long-term capacity building;
- Difficulty in accessing relevant information for the independent sector from the authorities hinders informed and correct decisions to access funds;
- The lack of systemic platforms for cooperation between the authorities and the independent sector reduces the involvement of civil society and citizens in decision-making processes;
- Lack of mechanisms to protect and provide social security for people self-employed people;
- The need to adjust the legal framework to the provisions of international documents regarding social security for the activity of self-employed artists (Art. 2.6).<sup>84</sup>

The Secretary of State of the Ministry of Culture mentioned that this event will be followed by other studies and analyses, discussions in focus groups in the capital and throughout the country, including in the field of cultural heritage and tourism: *"Based on this analysis, the Ministry of Culture will finalize the concept of the Strategy, in order to obtain an inclusive, visionary document, anchored in the real situation and with solutions for the development and integration of the country through culture"*, he said.

From June to December 2024, however, nothing happened. It was only in February 2025 that an announcement appeared on the government's participation portal about the initiation of the process of preparation of the draft Government Decision on the approval of the Strategy for Culture and Heritage for 2025-2035<sup>85</sup>. The Culture field in the Strategy includes the independent and non-governmental cultural sector as a separate target group (and the creative industries as another target group).<sup>86</sup>

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<sup>83</sup>

<https://www.mc.gov.md/ro/content/conditii-pentru-strategia-culturii-2030-un-document-incluziv-vizionar-inspirat-de-realitate>

<sup>84</sup> <https://mc.gov.md/sites/default/files/file-cloud/not-concept-strat-cult-patrim-2030.pdf>

<sup>85</sup>

<https://particip.gov.md/ro/document/stages/anunt-cu-privire-la-initierea-procesului-de-elaborare-a-proiectului-hotararii-de-guvern-cu-privire-la-aprobarea-strategiei-pentru-cultura-si-patrimoniul-pentru-anii-2025-2035/14038>

<sup>86</sup>

<https://mc.gov.md/ro/content/ministerul-culturii-lanseaza-procesul-de-elaborare-strategiei-nationale-pentru-cultura-si>

The paradoxical situation is that *the Republic of Moldova has a strategy for the development of creative industries until 2030, but no strategy for cultural development until 2030!*

### 3. Legal framework regarding culture in mun. Chisinau

The General Directorate of Culture and Tourism of the City Hall of mun. Chisinau functions based on the *Activity Regulation no. 9/2 of July 19, 2022*<sup>87</sup>. The functions of the Directorate include the drafting of local policies focusing on the development of culture, as well as the development of cooperation relations with public associations that carry out cultural activities.

At the municipal level there is also a funding mechanism for cultural projects implemented by cultural organizations and independent artists, carried out on the basis of the *Regulation on the mechanism of non-reimbursable funding of cultural projects*.<sup>88</sup>

Currently **there is no cultural strategy for Chisinau municipality**, instead there is a strategy for tourism development and a concept for a strategy for the development of creative industries in the central sector of Chisinau municipality.<sup>89</sup>

The creative industries strategy concept aims to *revitalize some unused municipally-owned spaces to revive the city's creative potential and set a precedent for diversifying the city's economy by using municipally-owned buildings and the administrative resources of the City Hall for the development of public policies in the field of creative industries. As a result, it is intended to create a decentralized system of hubs and community centers specialized in the fields of creative industries. Within the project, several such hubs and community centers would be created with a program of activity for several years ahead.*<sup>90</sup>

#### RECOMMENDATIONS:

1. Incorporate ICS in the Law on Culture, in the strategies for the development of Culture and Heritage as a step towards the recognition, regulation and support of the sector's activity.
2. Local public authorities to develop cultural strategies at local level to regulate the process of allocating funds for cultural activities and to create funding opportunities for ICS from public funds.

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<sup>87</sup> Regulation of organization and functioning of the General Directorate of Culture and Cultural Heritage of the Chisinau Municipal Council

<https://www.chisinau.md/ro/directia-generală-cultura-si-patrimoniu-cultural-20334.html>

<sup>88</sup> Regulation on the non-reimbursable funding mechanism for cultural projects

[https://www.chisinau.md/ro/upload/274972/attached\\_files/6512ccb7e7bf3.pdf](https://www.chisinau.md/ro/upload/274972/attached_files/6512ccb7e7bf3.pdf)

<sup>89</sup>

[https://new.chisinau.md/en/conceptul-de-dezvoltare-a-industriilor-creative-in-sectorul-centru-al-municipiului-21022\\_274560.html](https://new.chisinau.md/en/conceptul-de-dezvoltare-a-industriilor-creative-in-sectorul-centru-al-municipiului-21022_274560.html)

<sup>90</sup> City Hall mun. Chisinau, Concept for the development of creative industries in the Center sector of Chisinau municipality, presented at the economic forum Chisinau 2022

[https://www.chisinau.md/ro/conceptul-de-dezvoltare-a-industriilor-creative-in-sectorul-centru-21017\\_274021.html](https://www.chisinau.md/ro/conceptul-de-dezvoltare-a-industriilor-creative-in-sectorul-centru-21017_274021.html)

3. Start the process of defining the ICS in the official policies of the Ministry of Culture, local and central public authorities. This would help to increase the visibility of the sector, to adjust public policies targeting the ICS, etc.

4. Improve data collection on the activities of cultural organizations, including those organized by ICSs..

5. Integrate the cultural dimension in strategic policy documents - economic, social, territorial development - in order to increase the visibility and importance of culture, to highlight its role in ensuring social cohesion, civic education, peaceful and democratic dialogue, active citizenship and community organization.

## Chapter 3. Access to work and creative spaces for ICSSs

### 1. Legal framework on access to premises for ICSSs

According to the general legal framework, the Law on Culture 413/1999 stipulates, in art. 18 lit h) that the *state supports creative people, regardless of their membership in any creative organization*. Art. 24 (1) stipulates that the ***State provides the technical-material basis necessary for the realization of programs for the development of culture, construction and reconstruction of cultural objectives***.

Access to working and creative space for cultural organizations, cultural workers and artists is the key element of the technical-material base necessary for the realization of development programs. According to the Law on Culture, ***local public authorities*** are responsible for *providing creative people and creative collectives with rooms for studios, workshops, and other necessary premises for cultural activities, establishing facilities and payment discounts in accordance with the normative acts*.<sup>91</sup> At the same time, according to Law 21/2013 on Creative People and Creative Unions, ***central public authorities*** and ***local authorities*** are responsible to provide professional creative people with "*rooms as creative workshops (studios)*".<sup>92</sup>

There is a contradiction between the provisions of the two laws: Law 413/1999 puts the responsibility for providing premises solely on local public authorities, while Law 21/2013 puts this responsibility also on central public administration bodies.

However, central public authorities do not currently have a mechanism to regulate access to creative spaces. In its response to a request for information submitted by the authors of this study, the Ministry of Culture<sup>93</sup> admits that "*it does not have art studios (workshops for artists) and a specific mechanism for assigning such spaces [to artists] does not exist*".

At the same time, the Ministry informs us that "*in the perspective of the approval of the new concept and project for the establishment of the Universe Center, discussions will be held on the possibility of creating temporary spaces for artists and professional creative people*".

There is a contradiction. On the one hand, the Ministry admits that it does not have a mechanism for allocating spaces for creative workshops, nor spaces, but on the other hand it promises that, once the Universul Center is built, it could take into consideration the possibility of allocating spaces for art studios/workshops.

The contradiction lies in the fact that, if these requirements - for the favorable allocation of workshop/art studio spaces - are not expressly stipulated in the legal framework (e.g. internal regulation, circular or other normative document) then any promises of launching discussions are meaningless.

The legal basis for renting out rooms—owned by state or municipal enterprises, self-managed public authorities or institutions, budgetary institutions, autonomous budget bodies, or companies with full or majority public ownership—for purposes other than

<sup>91</sup> [https://www.legis.md/cautare/getResults?doc\\_id=141530&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=141530&lang=ro#)

<sup>92</sup> [https://www.legis.md/cautare/getResults?doc\\_id=133288&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=133288&lang=ro#)

<sup>93</sup> MC reply No. 03/1-09/3292 of 15.10.2024

housing is the *Regulation on the Procedure for Renting Out Unused Assets*, adopted by Government Decision No. 483 of 2008.<sup>94</sup> This, in turn, is based on Law No. 121-XVI of 4 May 2007 on the administration and de-etatization of public property<sup>95</sup>. Article 13 of GD 483/2008 in its original wording provided that "*The selection of tenants shall be carried out by organizing "call" tenders, conducted in the manner established by the Government or by direct negotiations, in accordance with this Regulation*". In 2024, it was amended by excluding the phrase "or through direct negotiations". By GD no.46 of 29.01.2025, the phrase "direct negotiations" was reintroduced in the text of the Regulation.

Point no. 6, art 13 (2) of GD 483/2008 provides for direct negotiations in case "*the premises for which the lease contract is requested will be used for educational, sports or socio-cultural purposes, if there is only one applicant for the premises and the lease is requested for a few hours per day or a few days per year (maximum 8 hours/15 days per year)*".

In other words, the existing legislation does not provide for ways in which non-commercial organizations (let alone informal cultural initiatives or independent artists) can benefit from preferential conditions when concluding rental contracts for publicly owned non-local premises.

Local public authorities, e.g. Chisinau municipality, manages the allocation of spaces for cultural organizations or creative people on the basis of the *Regulation on the management of buildings, constructions and rooms other than for residential use - municipal property*, adopted by the Decision no. 17/7 of 06.10.2020 of the Chisinau Municipal Council (CMC).<sup>96</sup> According to item 21 of the Regulation, the not fit for occupancy spaces and rooms **are leased through a public tender process**.

According to the City Hall's answer<sup>97</sup>, cultural workers and artists who are not members of a creative union can benefit from creative workshops only by participating in public tenders, organized regularly and announced on the official website of the Chisinau municipality. At the same time, currently, according to the database of the Directorate, there are 10 rental contracts registered between the CMC and creative people.

The public tender mechanism is challenging for cultural organizations because it is primarily guided by the profit-maximizing logic of renting municipally-owned spaces. In other words, the auction grants the right to rent exclusively to the economic agent (commercial entity, non-profit entity, etc.) that offers the highest amount for that space. Additionally, lease terms are set for several years (5-7).

Clearly, such a logic does not take into account the specifics of funding for ICS organizations: precarious and unpredictable financial situation, sporadic and short-term funding, lack of long-term predictability, rigidity and constraints in resource allocation (the absolute majority of non-commercial cultural organizations have fixed amounts, stipulated in

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<sup>94</sup> [https://www.legis.md/cautare/getResults?doc\\_id=146960&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=146960&lang=ro#)

<sup>95</sup> [https://www.legis.md/cautare/getResults?doc\\_id=115473&lang=ro](https://www.legis.md/cautare/getResults?doc_id=115473&lang=ro)

<sup>96</sup>

[https://www.chisinau.md/ro/regulamentul-gestionarii-cladirilor-constructiilor-si-incaperilor-cu-alta-destinatie-20384\\_265984.html](https://www.chisinau.md/ro/regulamentul-gestionarii-cladirilor-constructiilor-si-incaperilor-cu-alta-destinatie-20384_265984.html)

<sup>97</sup> Answer of the General Directorate of Economy, Trade and Tourism of the PMC, no. 1-05/1-6346 of 25.10.2024

grant contracts, for rents and cannot increase their budgets to compete with commercial economic agents).

Although there is no specific mechanism regulating the way cultural associations or creative people can rent publicly-owned premises, there are certain provisions that grant some facilities to cultural organizations.

In accordance with the State Budget Law, the minimum amount of annual rent for the use of rooms and furnished areas is calculated according to the formula:<sup>98</sup>

**Amount of annual rent =  $Tb \times (1 + K1 + K2 + K3) \times K4 \times S$** ; where **Tb** - the basic rate for the annual rent of one square meter of space; **K1** - the location coefficient of the room/fitted area; **K2** - the technical fitting-out coefficient; **K3** - the branch coefficient for the use of the room/fitted area; **K4** - the market coefficient; **S** - the rented area.

In 2024, the base rate for the annual rent of a square meter of space (**Tb**) varies by locality. Thus, in Chisinau, **1m<sup>2</sup> / year** will cost at least **486.65 MDL**, in Balti **345.13 MDL**, in other municipalities and cities of residence the cost will be **250.96 MD**, in cities and suburban localities of municipalities the price is **188.34 MDL** and in village localities **62.87 MDL**.

The **K1** coefficient varies depending on the location of the rental space. For space located in a separate building, the coefficient is **0,5**. For an attached room the coefficient is **0,45**. For a ground-floor room **0,4**. For a basement room the coefficient is **0,3**. For a glazed basement the coefficient is **0,2**. For a basement without glazing the coefficient is **0**.

The coefficient **K2** varies according to the technical equipment of the space. For a space technically equipped with water supply, sewerage, hot water, central heating - the coefficient is **0,5**. For a space with water supply, sewerage, central heating but without hot water - the coefficient is **0,4**. For a space with water supply, sewerage, hot water but without heating - the coefficient is **0,3**. For a space with water and sewerage only (without hot water and heating) or a space with heating only - the coefficient is **0,2**. A space without any technical equipment has a coefficient of **0**.

The **K3** coefficient varies depending on the intended use of the space. For creative workshops of painters, sculptors, architects, folk craftsmen and spaces used for mass actions within the framework of projects and programs financed from the national public budget - the coefficient of **0,05** is applied. For foundations and public associations the coefficient of **0,1** is applied. For premises for laboratories, training, research and design work the coefficient of **0,2** is applied.

The market coefficient **K4** is set by agreement of the parties, and the general rule is that this coefficient may not be less than 1, with the exceptions provided for by the Law. For example, for premises rented for creative workshops or public associations, the coefficient cannot be less than 1.

For example, the calculation formula for a public association in the ICS field, which wants to rent a space of 10 square meters, in a separate building on public property, which is technically equipped and the market coefficient is 0.5, will be as follows:

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<sup>98</sup> Annex 9 on the determination of the minimum amount of rent for public property, from the State Budget Law / <https://new.parlament.md/0da99d3f-9e8e-4ec5-913e-61fde79c99a6>

**486.65 MDL x (1+0.5+0.5+0.5+0.1) x 0.5 x 10 = 5109.83 MDL per year.** If the market coefficient increases to 1, the rent will cost double.

Currently, in Moldova ***there is no dedicated or tailored mechanism for access to spaces dedicated to, or adapted to the specifics of working in ICS, and there is no public infrastructure of spaces*** for cultural organizations, cultural workers and artists in ICS. Some discussions are however taking place at central and local level.

At the local level, in 2023 the Chisinau City Hall started the process of creating the "Ion and Doina Aldea Teodorovici" Culture and Art Center. To this end, the Chisinau Municipal Council approved Decision 7/36 of 03.10.2023 on the lease of the building at 77 Alexei Mateevici St.<sup>99</sup>. The Regulation of the Center was adopted at the Extraordinary Meeting of the CMC on December 12.

According to the draft decision<sup>100</sup>, The Center is financed from the local public budget, grants, donations and sponsorships (art.3). The Center is to carry out activities, provide services, initiate projects in the cultural field and aims to "*satisfy cultural interests of municipal and national importance.*" (Art. 2) The Centre aims to provide the community with programs and projects through which to ensure "a wide cultural offer, responding to the needs of information, research and valorization of all forms of materialization of creation" (Art. 8) by organizing cultural-artistic, educational, tourist, leisure, internal and external exhibitions, performances, concerts, cultural campaigns, literary circles (clubs), festivals, workshops, round tables, artistic residencies, competitions and activities for the preservation and enhancement of the works of artists Ion and Doina Aldea-Teodorovici. It is difficult to predict how this institution will function and how useful it will be for ICS since it is at such an early stage.

At the central level, in March 2024, the Minister of Culture, Sergiu Prodan, announced the intention to set up the Center for Culture and Contemporary Art "Universe" (CCAC "Universe") "This space will host artists' creative workshops and art galleries.. *Block 3 of the National Library of the Republic of Moldova - the institution's depository - will also be located here. It will also feature a cinema, where we will screen auteur films; a theater room with a stage, so that independent teams can conduct master-classes, rehearse and perform. We want to revive cultural life in the historical center of the capital and to honor our commitments to cultural NGOs and independent artists, to the creative community and art consumers*"<sup>101</sup>, stated Sergiu Prodan when announcing the project. The money was to come from selling the former Republican Stadium land to the US Embassy.

It is worth noting that the Minister of Culture referred to "*honoring commitments to cultural NGOs and independent artists*", indirectly acknowledging both the sector and its problems to have access to space.

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<sup>99</sup> Decision 7/36 of 03.10.2023 on the lease of the building at 77 Alexei Mateevici Street, Alexei Mateevici Street, to the General Directorate of Culture and Cultural Heritage of the Chisinau Municipal Council, for the purpose of establishing the "Ion and Doina Aldea Teodorovici" Center of Culture and Art

<sup>100</sup> [https://www.chisinau.md/ro/preview\\_upload/278208/attached\\_files/6756ced9b8a82.pdf](https://www.chisinau.md/ro/preview_upload/278208/attached_files/6756ced9b8a82.pdf)

<sup>101</sup>

<https://mc.gov.md/ro/content/chisinaul-va-avea-un-centru-de-cultura-si-arta-contemporana-universul>

ICS reacted with a *Position Note of the independent cultural sector organizations against the project "Centre for Contemporary Culture and Art Universe"*<sup>102</sup>. With this note, ICS distanced itself from the project of selling the former Republican Stadium land to the US Embassy, and rejected the attempts of "artwashing", the organization of a referendum or a public consultation process on the destination of the former Republican Stadium land. ICS also called for the identification of alternative sources of funding for the "Universe" CCAC.

Subsequently, the Ministry of Culture organized, together with the Danish Cultural Institute, a series of consultations on the CCAC project "The Universe" with several interested groups: students, creative industries, and the independent cultural sector.<sup>103</sup>

Beyond these discussions, the CCAC "The Universe" project has not moved further, apart from a meeting of the Minister of Culture, in October 2024, with the representatives of EUNIC (European Union National Institutes for Culture), a network of national cultural institutes in the European Union, where the Ministry of Culture requested support for the construction of the CCAC "The Universe".<sup>104</sup>

So far, the Ministry of Culture has not reported any progress on the issue of the creation of the CCAC "Universul" and it is not even clear if the ownership of the former printing house "Universul" has been transferred to the Ministry of Culture.

## 2. Self-organization and resilience in ICS for access to spaces

ICS is facing a shortage of cultural spaces in both urban and rural areas, for reasons related to: degradation of existing cultural infrastructure, privatization of cultural spaces, economic crisis, real estate price explosion, etc.<sup>105</sup>

Public cultural institutions - the Creative Unions - created during the Soviet period and the cultural institutions created after the Republic of Moldova declared independence face unequal access to spatial resources. After the collapse of the USSR, the Creative Unions inherited a number of immovable assets which, due to mismanagement, were in many cases privatized.

The Writers' Union of the Republic of Moldova, for example, inherited the headquarters on August 31, 1989 street (at the intersection with Petru Movilă street), the newspaper "Literature and Art", the offices of the magazine "Columna" on Mihai Eminescu street, several garages, and a creative house in Rîșcova, Orhei. Successive administrations of the Writers' Union have mismanaged this generous legacy. The headquarters of the newspaper "Literature and Art" was privatized by the writer Nicolae Dabija, along with the offices on Sfatul Țării street, the offices of the magazine "Columna" were also privatized, and

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<sup>102</sup> <https://platzforma.md/arkive/393955#e132d423-d95c-4eb6-a0c1-18206e03a961>

<sup>103</sup>

<https://mc.gov.md/ro/content/un-pas-vederea-crearii-centrului-de-cultura-si-arta-contemporana-universul>

<sup>104</sup>

<https://mc.gov.md/ro/content/ministrul-culturii-solicitata-sustinerea-eunic-demersul-de-creare-centrului-de-cultura-si-arta>

<sup>105</sup> SCA2023 / ALTERNATIVE CULTURAL SPACES. SOCIO-POLITICAL AND CULTURAL CONTEXT. Link: <https://docs.google.com/document/d/1cc7-cPdnGiVfhi9s5i6gwDMui4z3loVx/edit>

the creative house, launched with significant public attention in 1990, functioned for only a few years, after which it was closed down.<sup>106</sup>

On the other hand, newly established cultural associations and organizations have not received any special privileges for acquiring or renting premises, and must operate under the general legal framework. This leads to structural inequality of accessing creative spaces for cultural institutions created before and after the independence of the Republic of Moldova .

ICS, through its various voices, has consistently expressed it's need for multi-purpose spaces for activity preparation, rehearsal, workspaces, socializing spaces, exhibition spaces and other types of spaces.

In 2013 a series of meetings, Zpațiu #1 and Zpațiu #2, took place with the participation of several ICS groups and initiatives. During the meetings, discussions took place on the role of the Ministry of Culture in the relationship with ICS, as well as on the system of financing culture and other issues faced by most organizations in Chisinau. The need for additional space was raised during the very first meeting.

*The need to provide independent organizations from Moldova with exhibition spaces, workshops and production spaces, office/work spaces was mentioned. As an example it was mentioned the 50 m<sup>2</sup> space at the Zemstva Museum (the current National Museum of Ethnography and Natural History) which is currently rented by the Oberliht Association - it was mentioned that there is a differentiation between the facilities for which Creative Unions and the rest of the NGOs working independently are eligible. The former (Creative Unions) have for years received subsidies from the state, have had priority right to carry out public orders and still benefit from certain exemptions when renting premises for their activity. Unlike other NGOs, which do not enjoy the same exemptions, even though the latter are very active in realizing very good and competitive projects, many of these projects were international in scope and carried out in collaboration with European partners. (From Zpațiu Report #1 ).<sup>107</sup>*

As a result of the meetings, on 23 December 2013, the Oberliht Association addressed a letter to the Ministry of Culture, recommending the Ministry to find a solution for providing independent cultural organizations in Moldova with **premises for their activities (exhibition spaces, workshops and production spaces, office/work spaces, etc.).<sup>108</sup>**

The Ministry of Culture did not respond in any way to this letter.

Often, ICS cultural workers and artists have adapted their work and artistic practices due to the absence of cultural infrastructure, by rethinking how the available infrastructure can be used. For example in the absence of exhibition spaces, they engaged in a process of reclaiming public space. In this way, the public space became on one hand an exhibition and

<sup>106</sup>

<https://adevarul.ro/stiri-externe/republica-moldova/istoria-unei-ruine-casa-de-creatie-a-scriitorilor-1429206.html>

<sup>107</sup> <https://zpatiu.wordpress.com/2013/11/18/zpatiu-1-raport/>

<sup>108</sup> <https://zpatiu.wordpress.com/2014/01/03/recomadari-mcl/>

visibility platform for ICS, and on the other hand artistic and cultural practices in the public space became tools for democratizing art, culture and public spaces alike. For example, Oberliht worked for several years in Zaikin Park, setting up in this public space a cultural infrastructure - stage, community kitchen - that served both the local community and the cultural scene. Another example of intervention and creation of cultural infrastructure for ICS in the public space is the Open Apartment<sup>109</sup> at 68 Bucharest Street, located in front of the Chisinau City Department of Culture, designed by visual artist Stefan RUSU. Over time it has become a reference cultural space for ICS, constituting a multifunctional cultural space that can host film screenings, performances, workshops and exhibitions, discussions, musical events, etc.

Starting from this lack of access to cultural infrastructure, ICS has developed over the years various cultural and artistic programs that explore the potential of public spaces for the decentralization and democratization of culture and art. For example the *BLOKI* project<sup>110</sup> and the *Public Space Days* organized by Oberliht, the *Alternative Cultural Spaces* (ACS) project organized by the Coalition of the Independent Cultural Sector - are initiatives that reclaim urban public spaces through culture and art, the courtyards of residential neighbourhoods, public squares and parks, etc. At the same time, the *Art in Mahala* project initiated by the Centre for Cultural Projects "Art Today" creates opportunities for access to art and culture in rural areas, thus contributing to the decentralization of culture.

At the same time, as a form of resilience and a coping mechanism for the lack of dedicated spaces, ICS transforms and repurposes spaces that were not originally intended for cultural or artistic activities. For example,

*"the transformation of the basement of the Faculty of Fine Arts and Design (AMTAP) into an exhibition and educational space called Buncăr, the transformation of the Zemstvei House into a cultural center, the transformation of a segment of the parking lot of the Municipal Directorate of Culture into an open-air cultural space through the Open Apartment, or private apartments into art galleries."*<sup>111</sup>.

Another practice within ICS is the autonomous creation and management of spaces designed to meet the needs of the independent scene. As an example, the Theater- Teatru sapalatorie rented and maintained, from its own resources, between 2010-2017, a space in the center of the capital, on Eminescu Street. The space was equipped with a stage, a bar that would bring in the necessary income to cover the running costs of the space, e.g. utilities, salaries for the team - and resources for the realization of cultural activities. The theatre-teatru spalatorie also functioned as a cultural hub, providing space for activities for other cultural and civic initiatives and organizations in Chisinau. In 2017, the premises of the Teatru spalatorie **Theater** closed down because the space they were renting was demolished as part of a real estate development project in the area.

In 2022 several theater organizations from Germany requested the support of the Ministry of Culture to find a solution to the "space" problem of the Theatre- teatru

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<sup>109</sup> <https://chiosc.oberliht.org/apartament/>

<sup>110</sup> <https://chisineu.wordpress.com/proiecte/fata-de-publice/>

<sup>111</sup> SCA2023 / ALTERNATIVE CULTURAL SPACES. SOCIO-POLITICAL AND CULTURAL CONTEXT. Link: <https://docs.google.com/document/d/1cc7-cPdnGiVfhi9s5i6gwDMui4z3loVx/edit>

spalatorie.<sup>112</sup> The letter failed to bring about any change. Between 2023-2024, teatrul - spalatorie held several meetings with the representatives of the Ministry of Culture to identify a location for the theater. Although it promised several venues - including the National Center for Arts Education building - the ministry made no formal commitment and subsequently no further communication ensued.<sup>113</sup>

The independent cultural space that has survived (so far) the longest is Zpațiu, located in the so-called Zemstvei Museum / Zemstvei House (Chisinau, 103 Shchusev Street, Chisinau), a multifunctional complex of cultural spaces located within a nationally significant architectural and historical monument known as the Zemstvei Museum.<sup>114</sup>

*Zpațiu*<sup>115</sup> was inaugurated in 2012, on the occasion of the TANDEM festival in Chisinau, which brought together 47 independent cultural organizations from Moldova, Ukraine and the European Union, and was funded by the European Cultural Foundation<sup>116</sup>. Since 2013-2014, *Zpațiu* has become an active cultural center, a platform where independent cultural initiatives and civic initiatives from Moldova have been able to carry out their activities: creative, preparatory, public presentation, etc. Dozens of cultural events involving several groups of artists, activists and civic groups have been regularly taking place at *Zpațiu* since 2014.

The Zemstvei Museum is managed by the National Museum of Ethnography and Natural History (MNEIN), which signs ***annual rental contracts*** with cultural associations. Organizations that receive funding through annual project competitions for non-commercial organizations, organized by the Ministry of Culture, benefit from certain exemptions in the form of preferential coefficients.

Preferential rates represent the only form of subsidy given to organizations renting at Zemstvei Museum. For other utilities, such as electricity, tenants pay based on their meter readings.

The history of tenancy contracts at Zemstvei Museum is not without its tensions - contracts are only signed for one year, and the National Museum of Ethnography and Natural History has the right to terminate contracts with a 3-month notice period. The space is in a precarious state - it's cold and damp - and sometimes the poor conditions in the Zemstvei Museum represent a weapon used by the museum administration against the tenants. Thus, in 2020, two cultural associations - Art Labyrinth and Bastion - received eviction notices according to which they were to leave the rented premises at the Zemstvei Museum under the pretext that "*the premises do not meet the security standards*".<sup>117</sup>

### 3. ICS challenges linked to access to workshops and creative spaces

The issue of access to workshops and creative spaces is very evident from the Questionnaire data, which shows that the ***majority of respondents work from home***, followed by those who rent. Thus **46%** indicated that they carry out their primary work activity from

<sup>112</sup> <https://platzforma.md/arkive/391473>

<sup>113</sup> Personal communication with Splătorie Theater.

<sup>114</sup> <http://www.monument.sit.md/sciusev/103/>

<sup>115</sup> <https://zpatiu.wordpress.com/zpatiu/>

<sup>116</sup> <https://www.youtube.com/watch?v=8U39QdKUjKc>

<sup>117</sup> <https://platzforma.md/arkive/388418>

home, **29%** rent (22% from private owners, 7% from public institutions), **21%** have free access to their spaces (10% from an NGO, 9% from a public institution, 2% from private), **4%** own their own spaces.

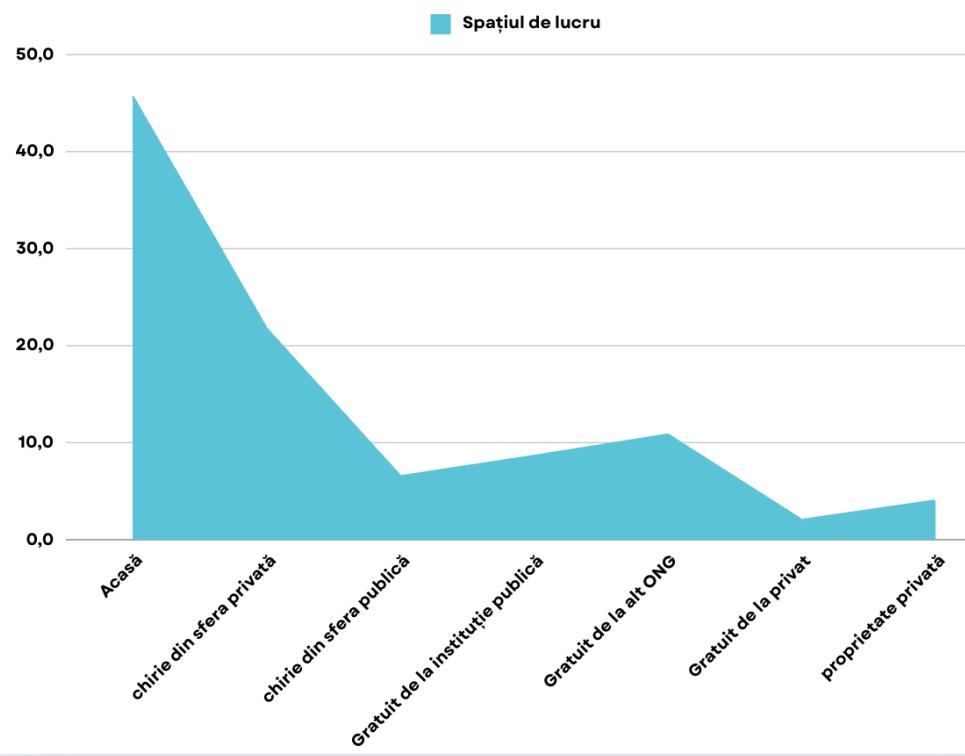
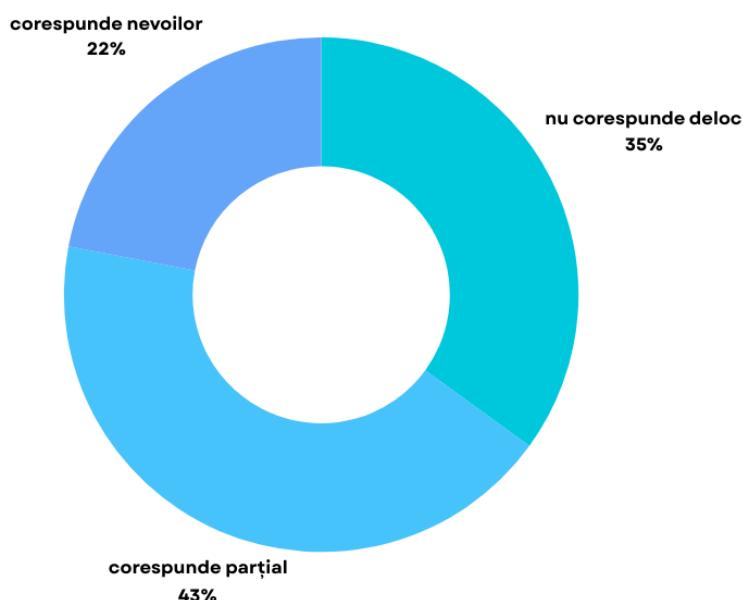


Chart of workspace alignment with the needs

#### Gradul de corespundere a spațiului de muncă cu necesitățile



Only **22%** of respondents believe that the current workspace adequately meets their needs, **43%** think that it partially does and **35%** said it does not at all.

The most frequently unmet space needs are the following: **57%** of the spaces are not accessible for people with special needs, **53%** of

the spaces are not technically equipped, **50% of the** spaces are too small, in **43% of cases** there is no demarcation between the work space and the home space, **41% of the** space is not properly arranged for group work, **35.7% of the** space is not demarcated for individual work, **33.9% of the** space needs furniture.<sup>118</sup>

Other needs mentioned by the respondents are: lack of sound and thermal insulation, lack of ventilation, short term rental contracts, the need to be constantly in search of resources to cover the rent, inadequate lighting of the room.

A major problem related to workspaces for ICS workers is the ***prevalence of work at home.*** *"Until recently I had no space and worked in my flat, in the kitchen."* (Interview 1)

One of the problems of working at home is the ***lack of boundaries between private and work spaces***, and the fact that it takes more effort at home to concentrate on work tasks. *"It's a pretty cozy space where I live. It's a very small space, just one room and I do everything here. But for a decent living it's important to have the bedroom separate from the kitchen."* (Interview 9)

*"We recently started renting an office with our own money. Until now I was working from home but the space at home is not suitable and it's impossible to concentrate, there is always something distracting. First of all because you always have housework to do, washing the dishes, dusting or whatever. I mean it's mostly purely psychological factors (concentration)."* (Interview 25)

The interviewees mention that they have tried to adapt their home space to their work needs. *"I work from home and the whole flat is invaded by all kinds of objects. We have extended the balcony a bit and I thought this was going to be my workshop, but the balcony has become a kind of storage for my work and work materials, and sometimes I use it as an office when I work in front of the computer. But in winter it's impossible to work from the balcony anyway."* (Interview 2).

Although they try to adapt their homes to their working conditions, ***working at home does not correspond to their needs and the specifics of their work***, either because there is not enough space or because there are limitations related to the noise you can emit, or technical limitations, especially mentioned by artists working with photography on film or animation.

*"We need separate space outside my home because my work consists of body movement and voice or instrumental sound."* (questionnaire respondent)

*"I'm staying with the host and the lab is in my room. The house is old, from 1950. The walls are thick, the house is very poorly ventilated, the sewage works laboriously, and there's mold, but it's cheap because I don't have the money to pay a more expensive rent. Now you can't find a rent cheaper than 350 euros. It's moldy, it's damp, it's cold. It's very bad, especially for film."* (Interview 24)

*"From a technical point of view it's difficult to work from home, especially if you're working with photography on film, because you have to have the whole lab accessible all the time. It's hard to convince yourself to mix chemistry and start printing when you know you have to spend another three hours assembling the lab in the bathroom. You've got to insulate*

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<sup>118</sup> For this question, the option of multiple answers was offered, which is why the answers add up cumulatively to more than 100%.

*the windows, you've got to assemble everything, screw everything together, and so on, so that you have to print for three hours and then four hours to disassemble everything.*" (Interview 25)

*"Animation is slow and takes time. I have to set up the process in such a way that I manage to do a scene in a day. I can't leave the set, I mean the scene from today to tomorrow. I have to take the set down, the lights, everything. And that affects the process at the expense of quality. The objects are almost glued to the green wall and when I put the lights on, the falling shadows, for example from the houses, fall on that green and you have different shades of green, which in post-production you have no way of removing unless you have a super sophisticated post-production, and in my case it's the most rudimentary. If the space was at least three feet bigger, I'd put the lights in the back to illuminate the green background."* (Interview 9)

At the same time for some jobs, ***working from home can have negative health consequences for cultural workers.*** *"I'd like a bigger studio, if I start working with oils it will be hard, because it's the bedroom and the dinner table. You can work like that for a while, but you sleep with these odors around, I don't know how healthy it is in the long run."* (Interview 16)

Working from home can be stressful for cultural workers who must constantly juggle the demands of both work and family. At the same time, working at home can ***cause social isolation and affect the capacity for solidarity, collective action and unionization of ICSSs.***

*"If I don't have access to a residence with a dedicated workspace, I work from home. It is worrying that we have started to normalize working from home, especially after the pandemic. We'll end up doing everything from home and we won't need any kind of communication, and that's problematic because people need communication. I think it's very important to have a workspace where you can meet other people and exchange ideas, develop ideas together, that's how you develop communities, solidarity, ideas and projects."* (Interview 6)

ICS cultural workers and artists who have managed to find a workspace also face a number of problems, such as the mismatch between the available space and the specific needs of their work, or the fact that the basic spaces lack proper conditions (heating, hot water, and lighting) or even present a ***risk to*** their ***health and safety*** (presence of damp and mold, spaces susceptible to damage, etc.).

One cultural worker explains that they must participate in a public tender to access the space they use in a rural library, which is completely non-compliant with health and safety standards — ***yet they lack the resources to submit a bid.*** *"When we have the festival we are given a room in the library where we can store all the works for the exhibition. Last year for a month we cleaned that space in the library. The place has no light, no heating, no water, a partially leaking attic, and is moldy. It's possible to rehabilitate it but for that resources are needed, we tried to do some repair works, but we can't use that room permanently. We were told that we have to participate in the tender. But with what funds are we expected to participate in the tender process?"* (Interview 20)

"The conditions we've rehearsed in so far have nothing to do with actual theater. For our last show, we rehearsed in Bunkär, which is only 2 meters high—you can't install

anything in a space like that. Then we had to somehow adapt that rehearsal to perform in a large theater, where the stage alone measures 12 by 10 meters. It's incredibly difficult to visually fill such a space. The working conditions have always been poor and completely inadequate for our needs—and we've always ended up covering the costs ourselves." (Interview 6)

*"For us it is very important to have a courtyard, because one of us is a sculptor. And in Chisinau it's super complicated to find a space with a courtyard at a decent price. Before, three of us lived in a 50m2 space and it was difficult, there was no privacy. It seemed like we all had a studio, but at the same time nobody had a studio. "* (Interview 7)

*"It's complicated in winter because there's no central heating and we have to use with fireplaces and it's cold anyway. And when it rains, it rains in the corridors and in the toilets and in the office. The office we live in has no windows and it's quite psychologically complicated to work in windowless spaces. All one wants is to have a space where it doesn't rain, it warms up in the winter and has windows."* (Interview 3)

*"From 2018 until the pandemic we rented an old small house in need of repairs and we paid 1000 MDL per month, we collected from everyone and paid. That space was the most comfortable for us because we had our own space and we didn't depend on anyone. After two years, the ceiling collapsed in the very room where we were rehearsing and the landlady told us that she couldn't continue renting the house. In the space where we now rehearse the working conditions depend on the season, summer or winter. In summer it's OK, but in winter it's very problematic. A week ago we moved to a room with a fireplace, because in the workshops where we've been working until now it's very cold. But that messed up our schedule because we usually rehearsed on Wednesdays but the room we moved to is occupied by another collective on Wednesdays. I mean that for that space there is a common calendar that is shared by several initiatives and we adapt our program according to the availability of the space."* (Interview 21)

*"The current space is actually a house that wasn't designed as a production or exhibition space, it doesn't totally meet our needs, but it's versatile, we have a courtyard, we have exhibition spaces and workshops. The previous space was less appropriate, the roof leaked, it was cold in winter, it was horrible."* (Interview 7)

Another problem is the **difficulty of finding resources to maintain a space**, including paying rent, utilities and repair works" *At the current space we have a gas boiler, but we don't use it. Last year we did and we received a 15.000 MDL bill. We paid it from our own resources but in several installments. After that we used to turn on the boiler only during exhibitions. Otherwise, when we work, we have an electric heater in the workshop and that's how we keep warm.*" (Interview 7)

*"I have to open an NGO, find an office, rent it. Yes, maybe while it's warm, I'll be able to afford to rent it, but what can I do in winter when I have no work and I can't pay the utilities at home, because the heating is on gas and it's expensive?"* (Interview 24)

*"We rent a space from a physical person. It's quite a small space but it's enough for now, except that in winter it's cold and the roof leaks. The space needs repairs, we should also change the boiler because it's old but we don't have the resources for that."* (Interview 15)

For some cultural workers in ICS the transition from rented spaces from public authorities to privately rented spaces has meant better working conditions in terms of health and safety. *"The transition to a commercial space has of course changed working conditions. We have hot water. But it's also our responsibility to ensure safety at work (fire-fighting system, functioning electricity) and that costs a lot for a public association."* (Interview 4)

Some people in ICS **are trying with their own resources to repair and adapt the spaces** they rent to their working needs. *"I have had several attempts to improve conditions and almost all have failed. We have a new printing press, quite bulky, so in the spring we rented a workshop. I put a lot of effort into making repairs in that space from my own resources, and suddenly while I was gone, it was decided that the space was for sale and we had to vacate it in a week. So I wasted pretty much the whole spring, and instead of creating, I wasted time improving my working conditions. I realized once again that we don't have any kind of stability and I'm thinking about whether we really need better conditions, bigger spaces, or do we need to downsize and have all the tools of the trade fit in a box."* (Interview 8)

Others mention that **they find it difficult to repair the spaces they rent** either because they don't have the resources for repairs, or because there are too many regulations on state-rented spaces, or because there is no predictability about private rents. *"We were working in a rough space where we were putting beneficiaries at risk. A government-related risk that the contract placed entirely on the organization. A paradox because although we had legal responsibility for the safety conditions of the beneficiaries, de facto, but we were not allowed something as simple as hammering a nail into the wall had to go through multiple steps and official approvals."* (Interview 4) *"We rented the studio in gray shell condition that's why it was a bit cheaper, I mean affordable for us. We painted the floor and walls white, believing we were secure. However, after 1.5 years, the rent increased by 300 euros, and just two weeks ago, the space was sold—so now we have to find a new location."* (Interview 30)

Unsuitable workspaces require **a lot of reproduction, maintenance and upkeep work** that often means extra, voluntary labor done by ICS cultural workers from their own resources. *"In order to be able to work in the space we rent we have to do a lot of work just to get the work done."* (Interview 19)

*"Since we don't have a dedicated space, we lack the stability needed to continue our work. On the other hand, it has become somewhat easier, because when we did have a space, we had to spend a lot of effort on maintenance, organization, and simply keeping things going.."* (Interview 18)

According to one cultural worker, although the working conditions in ICS are harsh and the work spaces are not adapted to the needs of the work, **these material conditions affect and shape the artistic practices of ICS cultural workers**. *"The spaces I usually work in do not meet my needs, so I have to adapt my work and work tasks according to the space and think about what is possible to do in these conditions. Often, these conditions shape both me and my artistic practices. At the same time, they have led me to rethink cultural work, recognizing that maintaining the workspace is itself a form of cultural labor. When you repair the roof of the Zemstvei Museum, you come to understand the material realities faced by others who do similar work. I'm not sure I would want to isolate myself now in a sterile,*

*white cube—perhaps that kind of work would feel just as sterile and comfortable. I believe my relationship with the workspace is dialectical, constantly shaping and being shaped by my practice.”* (Interview 8)

The interviewees consider that a good public policy on spaces for ICSs is the ***creation and development of a network of diverse and adapted spaces for ICSs***, as well as the development of ***funding mechanisms for the maintenance and repair of spaces***.

*“A good state policy should not focus on a single space for the ICS, but should identify a network of spaces all over the country to be activated. Work should be done in parallel both on a cultural center and museum, but also on smaller spaces focused on the needs of the scene (not only in Chisinau), which could also be rented at affordable prices. Some spaces require big investments and a long time for renovation, others can be much easier and simply activated.”* (Interview 1).

*“State policy: a network of premises that can be rented at a flexible price, but the premises must meet work safety conditions and not endanger employees and beneficiaries, be provided with electricity, heat, water and fire safety system.”* (Interview 4)

*“Expand the European Village for Artists program. That is, to create funding mechanisms whereby spaces that lack basic conditions can receive resources for repairs, heating, roofing, etc.”* (Interview 3)

*“Needs for spaces are super personalized though, there is no one model that would work for all artists/cultural workers. Therefore, a good state policy on spaces for ICS should take these specific needs into account, a network of diverse and tailored spaces for ICS is needed rather than a single space.”* (Interview 7)

*“The state could create different institutions, platforms for ICS, where there would be clear financial support from the state but at the same time the freedom of artists to produce what they want, to have their own agenda, would be guaranteed. The state has these buildings, they should simply give them a different functionality.”* (Interview 18)

#### RECOMMENDATIONS:

1. Create a clear, transparent and predictable legal mechanism through which ICS can access production, rehearsal, workshop, etc. spaces under preferential conditions (reduced or subsidized rental payments, subsidized expenses for communal services, etc.).

This could be achieved by:

- Amending art. 13 of HG 483/2008 whereby organizations with a sociocultural profile (proven by statute, activities) could conclude rental contracts for non-local public-owned spaces under conditions of direct negotiation, for terms longer than 8 hours/15 days per year, as currently provided for in point 6 of this article.

- Creating a single register of unused publicly-owned non-local premises in the Republic of Moldova that could be used by cultural organizations.

- Creating multicultural public spaces for independent cultural organizations and initiatives, functioning as cultural centres and offering free or preferential spaces for cultural organizations and initiatives.

- Creating a mechanism of "vouchers" for premises: allowances offered by LPA or Central Public Authority (CPA) institutions to cover the costs of renting premises for the ICS. If some

ICS initiatives/organizations already own spaces, this voucher can be used for repairs, refurbishment or adaptation, as needed.

2. Developing participatory management mechanisms for cultural and artistic spaces, based on participatory governance frameworks such as the Civic-Public Partnership<sup>119</sup>, or by establishing hybrid institutions — comprising representatives of both the state and civil society — for the joint administration of these spaces.

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<sup>119</sup> <https://cscirm.wordpress.com/2024/11/14/pledooarie-pentru-parteneriatul-public-civic/>

## Chapter 4. Access to financial resources for ICS

### 1. National, regional and local funding programs

In 1995, the Parliament adopted Decision No. 639/1995, which provided for the creation of a cultural fund, the so-called extra-budgetary fund, consisting of payments made by enterprises, institutions and organizations for the production of goods, execution of works, and provision of services. The allocations to the fund were made in accordance with the regulations, set as a percentage of the cost price of production (works, services), 0.5 % - for the financing of science and 0.2 % - for the financing of cultural activities. The Decision was repealed in 2005.

Although the Fund was intended mainly for state organizations and institutions, the Regulation also provided resources for *financing film production; financing the participation of creative youth in international festivals and competitions; supporting cultural exchanges and international links; organizing festivals, competitions, symposia, creative workshops, schools, exhibitions and other actions of republican and international level in the field of culture and arts*. At the same time, the fund provided resources for the *material and financial support of folk art craftsmen and the granting of aid to people of culture and art*.

However, ***until 2010 there was no public funding program addressed to cultural organizations and artists in SCI***. The state programs in the field of culture were addressed only to the Creative Unions, which received direct support based on Decision No. 830 on the approval of *the Regulation on the financial support mechanism for creative unions in Moldova*, approved by the Parliament in 1996.<sup>120</sup>

Currently, there are several funding mechanisms for cultural projects to which ICS members can apply: the grant program of the Ministry of Culture, the non-reimbursable funding program for cultural projects of Chisinau City Hall, and the grant program of the National Cinematography Center, ***Ministry of Culture grants program***.

*The Regulation on how to finance cultural programs, projects or actions carried out by public associations from the state budget* was adopted in 2009<sup>121</sup>, and the first year non-commercial cultural organizations received funding for activities was 2010. In total, 12 organizations received funding amounting to 720.000 MDL.<sup>122</sup>

In 2011, eight organizations received grants totaling 700 thousand MDL. In 2012, 11 organizations received grants totaling 700.000 MDL. In 2013, the program budget increased to two million MDL and was distributed to 29 organizations. Until 2013, most of the funding went to creative unions, e.g. in 2011, for example, of the eight organizations that received funding, only one was not a creative union!

In 2014, a new Regulation on the financing of cultural projects by public associations from the state budget was approved.<sup>123</sup> Also as of 2014, the practice of separating projects by

<sup>120</sup> [https://www.legis.md/cautare/getResults?doc\\_id=61409&lang=ro](https://www.legis.md/cautare/getResults?doc_id=61409&lang=ro)

<sup>121</sup> Government Decision no. 39 of January 26, 2009

<sup>122</sup> [https://mc.gov.md/sites/default/files/lista\\_proiecte\\_institutii\\_2010-13\\_fin.pdf](https://mc.gov.md/sites/default/files/lista_proiecte_institutii_2010-13_fin.pdf)

<sup>123</sup> 834 of October 8, 2014 [https://www.legis.md/cautare/getResults?doc\\_id=19375&lang=ro#https://www.legis.md/cautare/getResults?doc\\_id=19375&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=19375&lang=ro#https://www.legis.md/cautare/getResults?doc_id=19375&lang=ro#)

thematic areas was established: theater, music, regional and local festivals, cinema, literature, literature, visual arts, cultural heritage, museography and artistic crafts. In 2014, the number of organizations receiving funding increased sharply - reaching 53 organizations, but the total amount of the funds remained the same - two million MDL.

In 2015, 62 organizations received a total funding of two million MDL<sup>124</sup>, in 2016 - 66 organizations received a total of two million MDL<sup>125</sup>, in 2017 - 52 organizations received a total of two million MDL.<sup>126</sup>

In 2019, a new Regulation on how to finance cultural projects carried out by non-commercial organizations from the state budget was adopted.<sup>127</sup> In contrast to the previous Regulation from 2015, the new wording introduced several key changes, the most significant of which concerned the ***funding modality***. The old Regulation stipulated that "*allowances shall be granted in installments tied to the progress of the project, as specified in the contract*" (Art. 36), which the Ministry of Culture interpreted to mean that organizations must carry out activities using their own resources and are then reimbursed for their expenses upon submission of invoices. In practical terms, this meant that cultural organizations had to secure funding from other sources to carry out their activities, then submit invoices and payment receipts to the Ministry of Culture. The Ministry would review the expenses to determine their eligibility before transferring the funds to the organizations' accounts. According to ICS members, this procedure could take several months, leaving organizations uncertain about if and when they would receive their money or, whether they would receive the full amount, etc.

The 2019 version of the Regulation clearly stipulated that *the allowances would be granted in two installments tied to the progress of the project, as specified in the contract, with the first installment granted after the conclusion of the contract, and amounting to 70% of the contract value* (Art. 34). In other words, organizations would receive an initial installment of 70% of the grant amount, immediately after signing the contract, which allowed them to start activities.

In 2023, the contest was informed by the *Framework Regulation on the mechanism of non-reimbursable funding of projects for non-commercial organizations*<sup>128</sup>. For the first time, the regulation included the possibility of ***multi-annual funding***, from 1 to 3 years (art. 6). Thus a total of 7.4 million MDL were allocated, and distributed among 51 organizations.<sup>129</sup> However, the final list of proposed projects for funding does not include the amount allocated to each organization<sup>130</sup>.

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<sup>124</sup> [https://mc.gov.md/sites/default/files/lista\\_proiecte\\_culturale\\_2015.pdf](https://mc.gov.md/sites/default/files/lista_proiecte_culturale_2015.pdf)

<sup>125</sup> [https://mc.gov.md/sites/default/files/proiecte\\_culturale\\_2016\\_1.pdf](https://mc.gov.md/sites/default/files/proiecte_culturale_2016_1.pdf)

<sup>126</sup> [https://mc.gov.md/sites/default/files/lista\\_proiectelor\\_culturale\\_2017.pdf](https://mc.gov.md/sites/default/files/lista_proiectelor_culturale_2017.pdf)

<sup>127</sup> HG No 503 of November 01, 2019

[https://www.legis.md/cautare/getResults?doc\\_id=118597&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=118597&lang=ro#)

[https://www.legis.md/cautare/getResults?doc\\_id=118597&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=118597&lang=ro#)

<sup>128</sup> Approved by Government Decision no. 656 of 23-09-2022

[https://www.legis.md/cautare/getResults?doc\\_id=133924&lang=ro](https://www.legis.md/cautare/getResults?doc_id=133924&lang=ro)

<sup>129</sup>

<https://mc.gov.md/ro/content/un-numar-record-de-84-de-proiecte-lista-finala-proiectelor-culturale-finan-tate-de-stat-anul>

<sup>130</sup> [https://mc.gov.md/sites/default/files/lista\\_proiectelor\\_castigatoare\\_pentru\\_anul\\_2023\\_0.pdf](https://mc.gov.md/sites/default/files/lista_proiectelor_castigatoare_pentru_anul_2023_0.pdf)

In 2024, the competition was organized on the basis of a new *Regulation on the mechanism of non-reimbursable funding of cultural projects implemented by non-commercial organizations*<sup>131</sup>. The new Regulation modified the installments schedule. Article 52 stipulates that the total amount of funding for the project will be transferred to the organization in three installments.

**The first installment** constitutes a payment in advance of 30% of the total amount of the grant, which is transferred to the beneficiary's account, upon request, within 15 working days from the date of contract signing and submission of proof of own contribution. Own contribution is not defined in the Regulation (although art. 13 (5) tends to interpret it as financial means), but according to the ICS members who obtained funding after the entry into force of the Regulation, it is possible that under own resources are indicated both payments of the organization such as rent and goods, as well as *in kind* services (equipment, working hours, etc.).

**The second installment** of 60% is paid based on the beneficiary's request for payment, upon the validation of the first narrative report on the implementation of the project and interim financial report, supporting documents on the use of the previous installment, and no later than six months after the project start.

**The third installment** (10%) of the total project budget is released by the funding authority to the beneficiary upon the submission and validation of the final narrative report on project implementation and the final financial report, but no later than November 30th of the respective budget year. ICS members recognize that in its current form it is difficult to plan and implement cultural projects, especially when there is no predictability as to the time needed for the evaluation and approval of the interim reports that are sent to the Ministry after each installment. *"In the current funding program, the amount of the installments should be changed because it doesn't make sense to use the 30-60-10 approach, to increase the proportion of eligible administrative expenses, which is currently limited to 10%, ensure compliance with the regulation, and keep the entire process on schedule"* (Interview 14)

In 2024 the total amount allocated for cultural projects of non-commercial organizations was 10 million MDL and later increased to 14 million MDL.

Initially, on May 30, 2024, the Ministry of Culture presented a list of 48 projects.<sup>132</sup> The competition's lack of transparency (in terms of jury members), suspicions of favoritism and other problems with the judging process sparked intense reactions in the media and on social media. The Ministry had to revise the list and two weeks later published a new, longer list<sup>133</sup> of the selected projects. This "revision" of the final results further undermined the trust in the project selection process, calling into question the jury's quality raising concerns about ministry's bias..

Accordingly, on June 25, 2024, ICS members published a Position Note on the results of the 2024 funding competition for non-commercial organizations cultural projects<sup>134</sup>. This

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<sup>131</sup> approved by Order No. 13 of the Ministry of Culture of January 19, 2024  
[https://www.legis.md/cautare/getResults?doc\\_id=141470&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141470&lang=ro)

<sup>132</sup>  
<https://mc.gov.md/ro/content/un-numar-de-48-de-proiecte-culturale-vor-primi-finantare-de-la-stat-buge-tul-initial-majorat>

<sup>133</sup> <https://mc.gov.md/ro/content/proiecte-culturale-2024>

<sup>134</sup> <https://cscirm.wordpress.com/2024/06/25/nota-de-pozitie-2/>

Note stated that the project competition was conducted with deviations from the Competition Rules and procedural irregularities:

- selection of projects submitted by associations whose administrators are persons holding management positions in institutions subordinated to the Ministry of Culture;
- selection of projects submitted by associations whose administrators are persons owning, managing or associated with business companies;
- a considerable number of the winning projects charge participation fees, which is contrary to the Rules of Participation and should represent a disqualification criterion for these projects;
- the presence of conflicts of interest and reasonable suspicion of favoritism;
- the competition does not distinguish between different types of public associations - small, newly created organizations together with former creative unions, which have inherited an important material heritage and prestige from the Soviet period, the presence in the competition of cultural organizations working in areas for which separate funding competitions are organized (for example film organizations that have the possibility to get funding through the National Cinematography Center), etc.

The Ministry responded to this Position Note with a Note of Clarification.<sup>135</sup> This note, however, did not directly respond to any of the demands expressed in the ICS Position Note and was content to list only general points, e.g. the Ministry of Culture's commitment to dialogue, support for traditional cultural events, etc.

The 2025 competition was announced on 10<sup>th</sup> of January 2025 and organizations had to submit projects for funding until 11.03.2025.<sup>136</sup>

Even if for ICS the project competition organized by the Ministry of Culture represents one of the few public funding opportunities in the Republic of Moldova, and therefore an important one, the sector has always emphasized the problematic character of this type of competition. The most frequent and constant problematic moments highlighted by ICS over the years are:

- the competition includes long-standing Creative Unions, which have inherited cultural and material assets from the Soviet era, alongside newly established organizations. ICS believes that separate competitions should be organised for the two groups of cultural organizations.
- the unpredictability of the competition - the Ministry of Culture never follows the timetable stipulated in the Regulation. According to the latest draft of the Regulation, the Ministry is obliged to announce the competition no later than September 15th, which would allow for the results to be announced by October-November, allowing organizations to plan their activities and allocate expenses accordingly (for many organizations, being selected in this competition also brings important material benefits such as rent exemptions). However, the Ministry does not observe this schedule: in 2025 the competition was announced only on January 10<sup>th</sup>, although it should have been announced no later than September 15<sup>th</sup>, 2024.

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<sup>135</sup>

<https://mc.gov.md/ro/content/la-evaluarea-proiectelor-punem-accent-pe-valoarea-lor-artistica-si-cultura-ala>

<sup>136</sup> <https://mc.gov.md/ro/content/anunt-de-initiere-concursului-proiectelor-culturale-pentru-anul-2025>

- the frequent changes to the Regulation, with changes to the installments schedule.
- favoritism and lack of transparency.
- lack of funds for the mobility of artists and cultural products.
- low funding levels that prevent organizations from functioning.
- ineligibility of costs for capacity building and development of organizations, etc.

In February 2024, the Parliament adopted ***Law 12/2024 on the National Fund of Culture***<sup>137</sup> which defines the legal framework on the establishment, organization and functioning of the National Fund of Culture, an entity created to finance cultural and publishing projects.

The Fund, managed by the former National Centre for Education through Art, reorganized into the public institution the National Office for the Development of Culture is responsible for the centralized administration of the state budget funds allocated for cultural and publishing projects, and operates under the authority of the Ministry of Culture.

By law, the Fund was supposed to be represent an entity that manages the financial support programs operated by the Ministry of Culture:

- programs to support projects of non-commercial organizations in the field of culture;
- programs to support publishing and literary translation;
- programs to support cultural magazines;
- programs supporting the arts, arts education, studies and analysis, including continuing professional training in the field of culture;
- local cultural development programs;
- artistic and cultural residency and mobility programs (art.6).

Although it was still created in 2024, the Culture Fund is not yet operational at the time of finalizing this study (March 2025).

On October 11, 2024, the Ministry of Culture announced a first competition for the position of Director for the public institution the National Office for the Development of Culture in accordance with the Law on the Culture Fund<sup>138</sup>. Candidates had to submit their applications within 30 days from the publication of the announcement (i.e. by November 10<sup>th</sup>). On November 12<sup>th</sup>, the Ministry published the list of successful candidates and announced that the interviews were to be held on November 18<sup>th</sup><sup>139</sup>.

None of the admitted candidates met the required score, so on January 2<sup>nd</sup> a second round of the competition was announced<sup>140</sup>, the results of which was still unknown in March 2025. The fact that a Director of the National Office for the Development of Culture has not yet been appointed and the institution is still non-functional means that in 2025 the grant program will most likely still be managed by the Ministry.

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<sup>137</sup> [https://www.legis.md/cautare/getResults?doc\\_id=141864&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141864&lang=ro)

<sup>138</sup>

<https://mc.gov.md/ro/content/conditiile-de-desfasurare-concursului-pentru-functia-de-director-institutiei-publice-oficial>

<sup>139</sup> <https://mc.gov.md/ro/content/cu-privire-la-lista-candidatilor-admisi-la-concurs-10>

<sup>140</sup>

<https://mc.gov.md/ro/content/conditiile-de-desfasurare-concursului-pentru-functia-de-director-institutiei-publice-0>

The Culture Fund was promoted by ICS as one of the mechanisms needed to remove the direct control of the Ministry of Culture over the process of financing cultural projects, in order to secure transparency and a participatory process.

The Coalition of the Independent Cultural Sector has been promoting the idea of the Cultural Fund since 2022. To this end, in 2022-2023 CSCI organized the International Workshop "New Perspectives on the Institutional Design of Project Based Public Funding for Culture in the Eastern Partnership Countries"<sup>141</sup> with invited cultural professionals from Belarus, Ukraine, Moldova, Georgia, Armenia, Azerbaijan, Estonia, Lithuania, Latvia, Romania, and Croatia. The Lab's final report recommended the creation of the Culture Fund<sup>142</sup>.

- ***Non-reimbursable funding program for cultural projects of the Chisinau municipality City Hall .***

In 2021, the first call for funding for cultural projects was issued without the publication of the regulation governing the 2022 funding program. The Coalition of the Independent Cultural Sector called on the City Hall to publish the regulation because "*in the absence of an approved regulation in accordance with legal procedures, there is a risk that public funds allocated to cultural projects in the municipality will be spent in a non-transparent way and for other purposes.*"<sup>143</sup>

The Regulation was only approved in 2023<sup>144</sup>. According to the Regulation, projects submitted under the funding program must fall within one of the five thematic areas:

- visual arts, digital art and new media (painting, ceramics, sculpture, illustration, and photography);
- performing arts (theater, dance, music, and film);
- promoting written culture (editing, publishing books and publications, and organizing events that promote reading);
- cultural heritage (promotion, research, and documentation of cultural heritage)
- education through culture, cultural intervention, residencies (cultural mediation, cultural training, participatory activation, urban art, and residencies for creators/curators).

Unlike the Chisinau municipality's grant programme, both registered organizations and ***independent artists*** can apply to the city's grant programme.

***Funding is conditional on a co-financing contribution*** of at least 10% of the project cost from the applying organizations/artists. According to the Regulation, applying organizations/artists may receive funding for a project from either the funding programme of the municipality or the Ministry of Culture.

In 2025, 49 cultural projects were funded under this mechanism, including 16 projects of non-commercial organizations and 8 projects of individual artists. In addition, 16 projects

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<sup>141</sup> <https://cscirm.wordpress.com/2023/01/21/design-institutional-2/>

<sup>142</sup> <https://drive.google.com/file/d/1TivL8v8TGvSexhDLgvxPLfEMrHocC6b0/view>

<sup>143</sup> CSCIRM, Demerc to primhttps://cscirm.wordpress.com/2021/10/18/demers-pmc/

<sup>144</sup> on the basis of Order No 168 of 21.09.2023

[https://www.chisinau.md/ro/depunerea-dosarelor-pentru-finantarea-nerambursabila-a-proiectelor-culturale-pen-21023\\_274979.html](https://www.chisinau.md/ro/depunerea-dosarelor-pentru-finantarea-nerambursabila-a-proiectelor-culturale-pen-21023_274979.html)

of creative unions, two projects of public institutions and three projects of a foundation were funded. The funded projects include: *book publishing, film screenings, organization of performances, festivals, competitions and other activities promoting cultural values.*<sup>145</sup>

**- *The funding program of the National Center for Cinematography.***

The public institution, the National Center of Cinematography (NCC), was created in 2015 and is subordinated to the Ministry of Culture.<sup>146</sup> In 2017, a Cinematography Financing Regulation was approved, outlining the mechanisms for financing film projects, film production, film production in the finalization stage and co-produced films.<sup>147</sup>

According to the Regulation, funding is made through an annual competition, and the following types of film productions are eligible: short or feature-length fiction, documentary, animation, hybrid, experimental, TV drama pilot, narrative-based multimedia, based on any genre, in any format, which are screened, distributed and broadcast on the local and international market.<sup>148</sup>

According to art. 14 paragraph (3) of the Law on Cinematography, the state's share in the financing of national film production, as a rule, may not exceed 50% of the production budget of the film. According to Art. 15 paragraph (2) for international co-productions, support from the NCC must represent at least 20% of the Moldovan party's contribution in bilateral co-productions, and at least 10% in multilateral co-productions, in accordance with the conditions set out in the Regulation on Film Financing. The first<sup>149</sup> edition of the competition for funding film projects took place in 2018, and in 2024 the total budget of the competition was 8.3 million MDL.<sup>150</sup>

The NCC funding program is undoubtedly a good one for ICS film organizations and collectives. At the same time, ICS members interviewed listed a number of problematic moments in the competition. First and foremost, there is the limited amount of funding provided by the NCC. The money allocated by the NCC is not sufficient to implement film projects. For example, for 2024, the funding ceilings were:

- 2.4 million MDL - for feature-length fiction;
- 800.000 MDL - for feature documentary;
- 800.000 MDL - for minority co-production;
- 200.000 MDL - for short fiction;
- 120.000 MDL - for short documentary;
- 100.000MDL - for development;
- 200.000 MDL - for post-production.

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<sup>145</sup> Chisinau municipality City Hall, list of cultural projects approved for funding in 2025  
[https://www.chisinau.md/ro/primaria-chisinau-a-publicat-lista-proiectelor-culturale-aprobase-pentru-finta-20292\\_278381.html](https://www.chisinau.md/ro/primaria-chisinau-a-publicat-lista-proiectelor-culturale-aprobase-pentru-finta-20292_278381.html)

<sup>146</sup> The NCC was created by the Government Decision No. 846 of December 4, 2015 on the implementation of the provisions of the Law on Cinematography No.116 of July 3, 2014  
[https://www.legis.md/cautare/getResults?doc\\_id=89740&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=89740&lang=ro#)

<sup>147</sup> The Regulation is approved by GD No. 333 on the completion of Government Decision No. 846 of December 4, 2015

<sup>148</sup> [https://www.legis.md/cautare/getResults?doc\\_id=130797&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=130797&lang=ro#)

<sup>149</sup> <https://cnc.md/lansarea-concursului-pentru-finantarea-proiectelor-cinematografice-sesiunea-2018/>

<sup>150</sup> <https://cnc.md/aplica-la-concursul-de-finantare-a-proiectelor-cinematografice-sesiunea-2024/>

One of the main limitations of this funding program is the low production budget ceiling. *"With my short film I'm in the situation where I have to make a movie that's not cheap but at the same time has no commercial value. If you're making a feature film at least to get out in the theaters and get your investment or at least distributors in other countries buy feature films much more often than shorts. I'm in the situation where I'm now almost 100% an independent artist. I got almost 50% funding from the NCC but it's very hard to find the other half anyway, that's why I started a crowdfunding campaign. I think short films should be supported more by NCC because they have no commercial value. But we are seen as a commercial production house, and we have to find resources ourselves."* (Interview 10)

According to ICS interviewees, a dedicated Film Fund could expand the resources available to professionals in the film sector. Discussions about such a Fund have been ongoing for several years.<sup>151</sup>

The NCC's vision is that the Film Fund could be a special fund created from TV advertising, cable TV subscriptions, GSM subscriptions, online platforms, cinema ticket sales, copyright transfers, import of video and audio equipment, etc.<sup>152</sup> As of January 2025, the Film Fund initiative had not moved beyond the discussion stage.

In February 2025, a group of film workers launched an open letter in the form of a petition, #Facem Film Acasa (making films at home), calling for the creation of the Cinematography Fund, amending the National Cinematography Center (NCC) funding regulation for short films by increasing the funding ceiling to 80% of the total project budget.<sup>153</sup> The petition received more than 360 signatures.

#### **- National "Cultural Voucher" Program.**

The National Program "Cultural Voucher" was established by GD 774/2022<sup>154</sup>, aiming to contribute to the *"facilitation and improvement of the integration of young people in the cultural life of the country, increasing the capacity of the cultural field to contribute to social cohesion, promoting and developing cultural values, improving the cultural offerings, increasing the transparency of financing cultural activities, encouraging cultural consumption and mobility"* (art. 3). According to the provisions of the Program, every young person who turns 18 can receive an annual cultural voucher worth 1000 MDL, which can be used over the next 12 months to buy cultural services and products from approved providers. The list of these cultural product providers is established by the Ministry of Culture.

According to Article 10 of the Regulation on the National Program 'Cultural Voucher,' providers of cultural products must have 'the status of a public or private cultural organization' if they are cultural product providers, and 'the status of a private cultural organization' if they are private platforms. Although Article 13 obliges the Ministry of Culture to publish the list of suppliers of cultural products on its website, such a list is

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<https://cnc.md/centrul-national-al-cinematografiei-a-participat-astazi-la-prima-sedinta-a-grupului-de-lucru-privind-fondul-cinematografic/>

<sup>152</sup>

<https://cnc.md/wp-content/uploads/2022/02/Viziunea-CNC-asupra-dezvoltarii-industriei-cinematografice.docx.pdf>

<sup>153</sup> <https://platzforma.md/archive/394720>

<sup>154</sup> [https://www.legis.md/cautare/getResults?doc\\_id=134049&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=134049&lang=ro#)

currently missing on the official website of the Ministry of Culture, mc.gov.md. The Ministry of Culture has also approved the list of cultural products offered under the national program "Cultural Voucher" by Order No. 241/2022. It includes 11 types of activities:

- performance activities;
- concert activities;
- circus activities;
- publishing activities (books)
- cinema activities (indigenous production);
- festival activities (theatrical, concert, choreographic, cinema), traditional arts;
- activities of art exhibitions, book openings;
- activities of fine arts studios;
- activities of dance halls
- craft activities;
- cultural training activities.

In the first two years of the "Cultural Voucher" program, 7200 young people have enjoyed its benefits<sup>155</sup>, the most popular provider of cultural products being the "Librarius" network of bookshops.

None of the formally registered organizations among ICS's members is included in the list of suppliers of cultural products for the "Cultural Voucher" program. From ICS's perspective, the Cultural Voucher program does not contribute at all to the development of the sector and does not encourage the beneficiaries of the program to consume ICS's cultural products. This is explained by the following:

- Only formally registered cultural organizations are granted the status of 'provider of cultural products'. The law does not recognize self-employed cultural workers or individuals offering cultural services under a patent as official providers of cultural products.
- The list of cultural products offered under the "Cultural Voucher" program does not include community organizing activities, civic activism, social cohesion events, etc., most of them organized in public spaces or within communities, without tickets or entrance fees.

**- *Funding mechanisms at district, regional level.***

Besides the Ministry of Culture and Chisinau City Hall, only the municipality of Balti still manages, since 2023, a grant program for non-commercial organizations, including the field of culture, which has already had two editions.<sup>156</sup>

Annually, the Balti Municipal Council sets priority areas for funding under this Program.<sup>157</sup> Several priority areas fall within the scope of ICS organizations activities and individuals: education, science, culture and arts, democracy and human rights, civic activism, protection of cultural heritage, etc.

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<sup>155</sup> <https://mc.gov.md/ro/content/doi-ani-de-voucher-cultural-cata-cultura-au-consumat-tinerii-de-18-ani>

<sup>156</sup>

<https://balti.md/colaborarea-cu-societatea-civila/organizatii-necomerciale/programul-de-finantare-nerambursabila-a-proiectelor-on/>

<sup>157</sup> <https://balti.md/wp-content/uploads/2023/05/cmb-reshenie-3.19-din-03.05.2023-md.pdf>

In 2023, two projects received a total of 100,000 MDL in funding. In 2024 the available funding was increased to 200,000 MDL. However, only one project was chosen for funding through the competition.

In addition to the funding mechanisms dedicated to culture, there are general funding programs for which some ICS organizations are eligible: the Ministry of Education's Youth Grants Program, the Ministry of Labour and Social Protection's Small Grants Program in the field of active ageing<sup>158</sup>, the participatory budgeting programs implemented in some cities, villages, districts or even at the institutional level (e.g. high school, etc.)<sup>159</sup>, the youth grants programs managed by some district councils etc.

However, these funding mechanisms cover tangentially the areas of activity of the ICSs and force them to adjust their projects not according to their own needs, but according to the rigors and priorities of the funding mechanisms.

## 2. Other sources of local funding

Other sources of local funding are donations under the Law on Philanthropy and Sponsorship, the percentage designation mechanism, and crowdfunding.

### - Donations.

According to the **Law 1420/2002 on philanthropy and sponsorship**<sup>160</sup>, organizations and associations engaged in cultural activities may receive financial or material support from individuals and legal entities (philanthropists).

According to Art. 2 paragraph (2) of the Law, the financial resources obtained by non-commercial cultural organizations from donations "may not be used for the maintenance of the organizations", i.e. for administrative expenses, salaries, rent of space, etc. At the same time Art. 20 paragraph (3) allows the use of resources from donations to cover administrative expenses "the beneficiary of philanthropic activity has the right to use the financial and material means obtained from philanthropic activity for the conduct of its activity and to cover administrative expenses." In other words, one article of the law allows the use of donations for administrative expenses, another article forbids it.

**The Tax Code**<sup>161</sup>, Article 36 (1), sets a deduction ceiling for donations made by individuals and legal entities of **no more than 5% of taxable income in 2024**.<sup>162</sup>

The deductions apply to both in-kind and monetary donations. To qualify for deductions, donating entities must submit the donation contract along with a written request from the donation beneficiary. For monetary donations, in addition to the donation/sponsorship contract, they must also provide the payment document to the beneficiaries.<sup>163</sup>

If real estate is donated, the donation contracts must be notarized and contain

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<sup>158</sup> <https://social.gov.md/wp-content/uploads/2024/02/Regulament-Program-Granturi-2024.pdf>

<sup>159</sup> <https://bugetareparticipativa.viitorul.org/resurse/>

<sup>160</sup> [https://www.legis.md/cautare/getResults?doc\\_id=138619&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=138619&lang=ro#)

<sup>161</sup> [https://www.legis.md/cautare/getResults?doc\\_id=146150&lang=ro](https://www.legis.md/cautare/getResults?doc_id=146150&lang=ro)

<sup>162</sup> The figure has varied considerably over time. Thus, when the law was passed in 1998, the size of the exemption was 7%, in 2003 it was increased to 10%,

<sup>163</sup> Comfort art. 63 and 66 of HG No. 693/2018 on the determination of income tax liabilities.

Link: [https://www.legis.md/cautare/getResults?doc\\_id=141232&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141232&lang=ro)

information about the donated goods (goods and materials), the purpose of the donation or the destination of the donated goods and a tax invoice is issued.<sup>164</sup>

In a 2011 study, Expert-Grup highlighted the difficulties in applying the legal framework on sponsorship and philanthropy and suggested the creation of a mechanism whereby the deductibility would be applied not to taxable income, but to turnover.<sup>165</sup> The reason given was that many companies operating in Moldova that would be interested in philanthropic activities do not record taxable income, while other companies, such as those in the IT Park, have no benefit in terms of income tax deductibility because they are covered by a special tax regime that implies a flat tax of 7% of turnover. Another proposal, suggested by the author of the study, was the implementation of a tax credit, i.e. the deduction of the donation directly from the amount of taxes due to the state budget up to a percentage of turnover. This variant was later implemented in the form of the 2% Law, i.e. the percentage designation.

#### **- 2% percentage designation mechanism.**

For the first time this mechanism was implemented in 2016, and entered into force as of January 1<sup>st</sup> 2017 (for income tax on income earned in 2016). As of 2017, resident individuals can participate in the management of public money by redirecting 2% of their income tax to non-commercial organizations. The mechanism of the percentage designation works as follows: any resident individual who wishes to direct 2% of the amount of income tax calculated annually to the budget, must submit the Income Tax Declaration - Form CET18, by the deadline set in the tax legislation. In the fifth section of the declaration (field M1), the 13-digit tax code (IDNO) of the beneficiary organization is indicated.

The full details of the beneficiaries - tax code, legal address and name of the organization can be found in the List of beneficiaries of the percentage designation, which is published annually by the Public Services Agency between September 1 and September 30.<sup>166</sup>

According to the report on the results of the percentage designation for 2024<sup>167</sup>, 35.175 citizens have designated a total of 14 511 676,03 MDL to 1103 beneficiary organizations. If we calculate an average, an organization receives about 1300 MDL per year. In reality the amount is much lower, as the distribution of beneficiaries is extremely unequal: 2 associations - the Public Association of Veterans and Pensioners of the Ministry of Internal Affairs of the Republic of Moldova and the Foundation for Support of Veterans and Energy Sector Workers "ENERGIE" together receive almost 2 million MDL, and the top 10 beneficiary organizations receive 25% of the entire amount of redirected amounts. At the other end, the public association the Cultural Society Creation Center of the Republic of Moldova received 19.83 MDL!

Some CSCI member organizations appear in the list of beneficiaries of the percentage designation.

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<sup>164</sup> Idem, Art. 65.

<sup>165</sup> Elena Culic. Tax mechanisms to stimulate philanthropy. Expert-Grup, 2011 Link:

[https://expert-grup.org/ro/biblioteca/item/download/845\\_2bf67e6d83e622029f75c1dff23dc28](https://expert-grup.org/ro/biblioteca/item/download/845_2bf67e6d83e622029f75c1dff23dc28)

<sup>166</sup> <https://sfs.md/ro/pagina/desemneaza-2>

<sup>167</sup> <https://sfs.md/uploads/files/rapoarte/Raport%20desemnare%20procentual%C4%83%202024.pdf>

For example, one of CSCI's members - the Centre for Contemporary Art, Chisinau (KSAK) - benefited in 2024 from a redirection of 337.05 MDL, which is far too little to cover even the costs of organizing a modest event.

The percentage designation mechanism cannot be examined as an alternative to grant program funding, nor even as an additional funding instrument.

The reasons are multiple - the ICS community is quite small, the wages in the sector are quite low, so the percentage designation only emphasizes these things.

To illustrate this consider the following example: let's calculate what the amount of taxable income in an organization would have to be in order to provide a redirection that could cover the costs for five minimum wage employees for one year. For the year 2025, the monthly minimum wage in the economy is 5500 MDL. In order to pay the minimum wage to 5 people throughout one year, one needs 330,000 MDL. Let's assume that this amount would come from the percentage designation. That would mean that the income tax in the organization should constitute at least 16,000,500 MDL, and the total amount of taxable income - at least 137,500,000 MDL. None of the ICS associations operate with such income.

Moreover, out of the list of organizations that have benefited from the percentage designation, only 3 (the Public Association of Veterans and Pensioners of the Ministry of Internal Affairs of the Republic of Moldova, the Foundation for the Support of Veterans and Workers of the Energy Sector "ENERGIE" and the Public Association of Veterans and Pensioners of the Main State Tax Inspectorate "UNI-M"), have registered designations that could ensure the minimum level of functioning of an organization.

#### **- Crowdfunding.**

There are no restrictions on fundraising campaigns in Moldovan legislation. However, activities such as the charitable sale of goods and services, the organization of charitable concerts and others are qualified as economic activities and taxed as such, unless they are mentioned in the statutes of the association. In this case they are exempt from income tax.<sup>168</sup>

From the experiences of crowdfunding fundraising experiences of ICS organizations, crowdfunding is an awkward and effort-intensive tool.

Firstly, for small organizations, running a crowdfunding campaign requires staff training and resources they often lack. Crowdfunding involves constant effort - social media posts, interviews, articles. In order to motivate people to donate, some organizations reward contributors with various merchandizing items, e.g. custom t-shirts, hoodies, mugs, etc., which requires additional resources.

Crowdfunding activity in Moldova remains modest, particularly in the cultural sector. (In the field of charity crowdfunding seems to work better, as shown by the activity of platforms such as caritate.md, campaigns such as "Solidarity with Ukraine/Moldova for Peace", an initiative to support Ukrainian refugees that raised 96.000 EUR in 2022<sup>169</sup>, or the

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<sup>168</sup> Eszter Hartay, Gulmira Kuzhukayeva, Esther Meester, Luben Panov. *Evaluation of the legal framework for philanthropy in Moldova*, 2024, p.15, Link: [https://cancelaria.gov.md/sites/default/files/romana\\_ecnl\\_icnl\\_moldova\\_assessment\\_report\\_1\\_0.pdf](https://cancelaria.gov.md/sites/default/files/romana_ecnl_icnl_moldova_assessment_report_1_0.pdf)

<sup>169</sup> <https://chuffed.org/project/moldova-for-peace-solidarity-for-ukraine>

fundraising campaign for the treatment of filmmaker Viorel Mardare, which raised 174.000 EUR on the Gofundme platform).<sup>170</sup>

In the field of fundraising for cultural activities, however, there is as yet no success story of a fundraising campaign to raise the full amount for a cultural project. There are even fewer examples of cultural organizations raising funds to cover running costs.

A first fundraising campaign through participatory financing was organized in June 2010 by director Sergiu Prodan for the realization of the film "All roads lead to Rome or 2438 km"<sup>171</sup>, which was scheduled to premiere in April 2011. The total budget for the film was estimated at 500.000 EUR, half of which was to come from the three film houses involved in the project, and the other half was to come as a donation from individuals<sup>172</sup>. The filmmakers also launched a website, <http://2438km.md/>, which would provide updates on the campaign.

The results of the campaign are not very clear. In August 2010, two months after the campaign was launched, the organizers announced that they had managed to raise about €10,000 (out of the expected €250,000), i.e. about 4% of the needed amount<sup>173</sup>. Further updates are not available. In the meantime, the <http://2438km.md/> page is no longer active<sup>174</sup>, and the film was never released.

Another fundraising campaign was carried out by the collective "teatru-spalatorie" in 2016. Through the campaign, the collective aimed to collect 12 thousand euros. Of this amount, according to the members of the collective (the platform guvern24.md, which hosted the campaign, did not keep an archive), about 7000 EUR were raised, which is about 58% of the target amount.

In 2024, the director Lucia Lupu started a crowdfunding campaign on [particip.md](http://particip.md) platform in order to make up for the missing budget for the realization of the film "Parents and Children"<sup>175</sup>, directed by the same director. The campaign aimed to raise 6500 EUR, of which 6000 EUR were raised, i.e. more than 90%, which, based on the information available to the authors of this study, represents the best result of a crowdfunding campaign in the cultural sector.

Based on the experiences listed above, crowdfunding cannot be examined as a viable financing alternative in Moldova under the existing conditions.

### 3. Tax facilities for cultural activities

According to Article 52 (2) of the Tax Code, **non-commercial organizations are exempt from income tax** if they are registered or created in accordance with the law and carry out their activities in accordance with their statutes; if the statutes explicitly prohibit the distribution of the organization's financial resources among founders, members and employees; if the financial resources of the organization are not used in the interest of founders, members or employees (except for salary payments) but are used in accordance

<sup>170</sup> <https://www.gofundme.com/f/viorel-must-go-on>

<sup>171</sup> <https://www.zdg.md/stiri/stiri-diverse/vezi-moldova-cu-alti-ochi/comment-page-1/>

<sup>172</sup> <https://point.md/ru/novosti/obschestvo/2438-km-sau-toate-drumurile-duc-la-roma/>

<sup>173</sup> [https://www.ipn.md/ro/castingul-pentru-2438-km-va-avea-loc-in-septembrie-7967\\_984539.html](https://www.ipn.md/ro/castingul-pentru-2438-km-va-avea-loc-in-septembrie-7967_984539.html)

<sup>174</sup> <https://web.archive.org/web/20120622173018/http://2438km.md/>

<sup>175</sup> <https://www.particip.md/crowdfunding/fotografie-si-film/filmul-parinti-si-copii-regia-luciei-lupu/>

with the objectives stipulated in the statutes; and if the organization does not support and does not finance political parties, electoral blocs or candidates for public office.

At the same time, according to the Fiscal Code, ICS cultural organizations can benefit from VAT exemption for the following cultural activities:

- **the production of books and periodicals** (except advertising and erotica), as well as publishing services, copyright and related rights services.<sup>176</sup> (**Tax Code**, Art. 103, paragraph (20)).
- the multiplication, sound recording and re-recording of films and video programs for rental to cinemas and film facilities.
- dubbing and subtitling of films and videos produced in the country and abroad.
- **the cost of tickets** for the viewing of films, video programs, admission to shows, concerts, circuses, museums, exhibitions (including ambulances), evenings, dance halls, stage theatres, theatrical performances, carnivals, festivals, walks, discos, menageries, botanical gardens, parks, planetariums; as well as payment for cable television services;
- rental of musical instruments, theater costumes, inventory and theater supplies.
- sound recording of performers, concerts, performances, musical works, as well as reproduction of sound recordings of phonograms in the audio archives of theaters, museums, libraries, cultural houses and centers.
- compiling bibliographical lists and information at the request of readers, compiling catalogs of books, periodicals, manuscripts, archival documents.

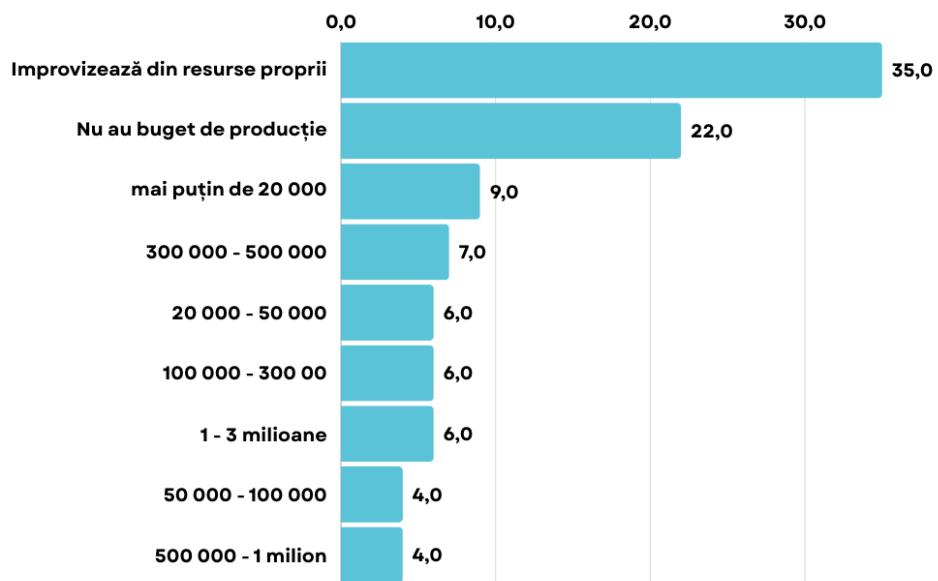
#### 4. Financial resources available in the ICS

According to the questionnaire data, more than half of the respondents (57%) lack financial resources and rely on improvised solutions from their own resources to carry out cultural and artistic activities. For 47% of respondents, the budget for cultural activities represents 80-100% of the total available budget; for 15% the budget for cultural activities represents 50-80% of the total budget; and for 38% the budget for cultural activities represents up to 50% of the total budget.

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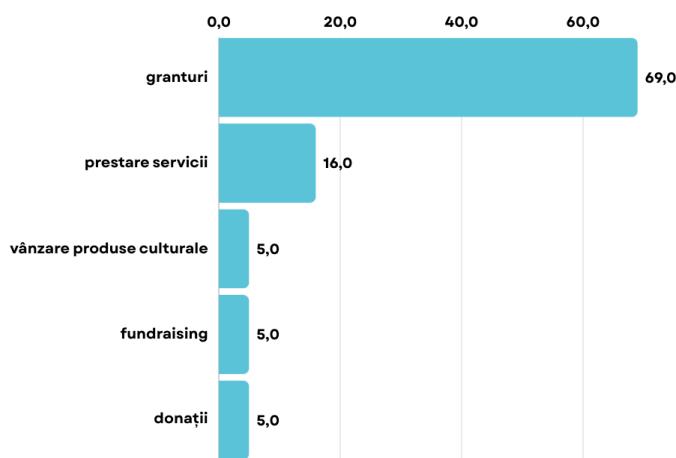
<sup>176</sup> [https://www.legis.md/cautare/getResults?doc\\_id=144629&lang=ro](https://www.legis.md/cautare/getResults?doc_id=144629&lang=ro)

## Bugetul anual pentru muncă culturală și activități artistice (MDL)



*"Funding comes almost entirely from grants. I know grants are still common, but doing financial reporting can be quite challenging. We don't rely on them because the financial resources from donations wouldn't even cover the cost of financial reporting. The membership fees are insignificant because the members of the organization already do a lot of volunteer work as it is. There are also government grants, but the amounts are very small compared to the size of the projects and reporting is complex, with many restrictions, which consumes a lot of project resources. That's why we only turn to state grants when there are some gaps that can't be covered otherwise." (Interview 4)*

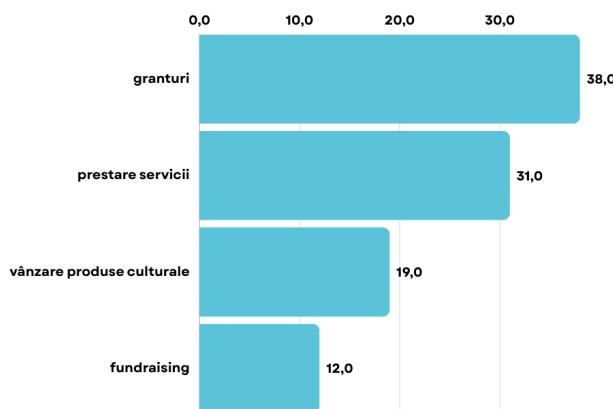
### Sursa finanțieră principală pentru organizații culturale din SCI



crowdfunding.

**Grants** constitute the main source of funding for the majority of cultural organizations that participated in the questionnaire (69%). For 16% the main source of funding comes from providing services for a fee, 5% from the sale of their own cultural products, 5% from donations and 5% from fundraising and

#### Sursa finanțieră principală pentru liber profesioniștii din SCI



Grants are the main source of funding for **38%** of cultural workers and **freelance** artists. For **31%**, the main source comes from providing services, **19%** from selling their own cultural products and **12%** from fundraising and crowdfunding. Other sources of income indicated by ICS freelancers are grants and donations.

The difficulties they face in applying for funding programs are the following:

- lack of state programs to fund independent artists (43%)
- difficulty in accessing information about the existence of funding programs (48%)
- few funding opportunities for independent artists (41%)
- little structural funding for organizations (39%)
- funding programs focus on short-term activities (39%)
- due to funder restrictions, it's difficult to provide staff with decent pay (39%)
- high competition to access funding (30%)
- complicated application (29%) and complicated reporting processes (30%)
- adjusting activities to donor requirements (25%)
- lack of absorption capacity for large grants (21%)
- lack of accounting services (16%) and lack of a fundraiser (39%)

At the same time, only 31% of the respondents have ever benefited from state funding programs for cultural activities, 55% of the respondents have never benefited from them and 13% did not even know they exist. At the same time, only 14% have ever benefited from state support programs for cultural workers and independent artists and 32% do not know about the existence of such programs.

#### RECOMMENDATIONS:

1. Increasing the share of project funds allocated to staff salaries and administrative expenses (e.g. payments for office rent, maintenance services, internet, telephone and other services not attributable to direct items for activities) allowed under the Ministry of Culture's cultural project funding program. At the moment, it constitutes 10%, according to Article 22 of the Regulation on the mechanism of non-reimbursable funding of cultural projects implemented by non-commercial organizations. From the interviews and questionnaires conducted with ICS members in the framework of this study, this amount should be raised to at least 25%.

2. Modification of the schedule for allocating the tranches of funding, so that the largest tranche (up to 80%) is allocated before the start of project works. It is also recommended to reduce the number of tranches from 3 to 2 tranches.
3. Changing the way the Culture Fund is financed by identifying additional sources of income (as an example, the Dutch Het Cultuur Fonds<sup>177</sup>, which is financed, among others, by the Dutch lottery or the proposals for the Film Fund).
4. Amendment of the funding regulation of the National Film Center (CNC) for short films by increasing the funding ceiling to 80% of the total budget of the project.
5. The creation of the Cinematography Fund, a special fund created from TV advertising, cable TV subscriptions, GSM subscriptions, online platforms, cinema ticket sales, copyright transfers, import of video and audio equipment.
6. Creating mechanisms for LPAs to include in their annual budgets, from their own resources or from special purpose transfers from the state budget, the financing of cultural projects at local level.
7. Amending the Regulation of the National Program "Cultural Voucher" to allow individuals who provide cultural services under an entrepreneur's license to be included among the eligible providers of cultural products. Also, to amend the list of cultural products offered under the National Program "Cultural Voucher", by including community activities, carried out without tickets or entrance fees.

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<sup>177</sup> <https://www.cultuurfonds.nl/>

#### **IV. Chapter 4. Work and working conditions in the independent cultural sector.**

An analysis of the questionnaire data submitted by the ICS reveals significant human resource challenges, including small team sizes, limited funding for professional development, and multiple stress factors stemming from both structural conditions and the nature of work in this sector.

Most respondents work in small organizations with teams of 1 to 5 people. A significant number of them (65%) indicate that the current team does not match the needs of the organization. Among the staff functions needed, respondents indicated both general functions for any non-commercial organization (accountant, fundraiser, social media manager, communicators, project coordinators and assistants) and functions specific to cultural work (sound director, scriptwriter, graphic designer, photographer, videographer, etc.).

The average level of employee satisfaction with working conditions is moderate—around 6 on a scale of 1 to 10. Factors that contribute positively to job satisfaction include autonomy and freedom to organize work (80%), alignment of personal values with those of the organization (74%), opportunity for continuous learning (73%), healthy psychosocial environment (67%), recognition of work (66%), and working conditions (65%).

On the other hand, financial challenges and lack of adequate resources negatively affect the perception of working conditions. Thus, **65%** of the respondents indicated that during an average week **they often and very often feel stressed in relation to their work**. The main causes of work-related stress for cultural workers in the ICS are: lack of predictability (57%), the need to fulfill multiple roles and responsibilities (56%), financial insecurity (48%), lack of work-life balance (48%), the need to combine several jobs (37%), lack of social protection (35%) and lack of recognition of the value of the work done (33%).

To meet the needs identified, respondents prioritize the need for financial resources for team growth (55%), full-time employment (57%), payment of all salary entitlements, including sick and annual leave (57%) and continuing professional development (71%).

Other needs include resources for team building activities (43%); resources for internal policy development (34%); resources for financial incentives for cultural workers (38%).

Questionnaire and interview data show that **atypical employment relationships prevail** in the independent cultural sector in Moldova: part-time work, second and third jobs, fixed-term work, jobs involving unpaid overtime, work under atypical contracts (service provision contract, copyright assignment contract, as well as contracts based on the entrepreneur's patent), as well as contracts with atypical clauses (especially what concerns paid annual leave) - and this **affects working conditions, the rights of ICS workers and access to social protection measures**. The study highlights several specific features and challenges faced by cultural workers and artists, including:

1. **Structural instability** due to project-based work and inconsistent working patterns. In addition, most work in multiple jobs at the same time and combine paid and

voluntary work. Many cultural workers have **multiple jobs** to supplement their sources of income and for better access to social protection.

2. **Diversity and fluidity of atypical employment relationships.** The majority of cultural workers are employed on atypical contracts (copyright, service contracts), which do not guarantee stable working conditions or social protection. 35% of respondents work only on **atypical contracts** (copyright, service contracts) and 40% combine employment contracts with service contracts, copyright, patent and selling their own cultural products.
3. **Continuous work**, with no balance between work and rest. Thus, 50% of respondents frequently work overtime, and for the majority (83%) overtime is unpaid. In addition, 62% of respondents who have an employment contract do not take paid annual leave.
4. **Transnational mobility and high qualification:** Almost 50% of the respondents work internationally and 93% of them have a university degree, of which 50% have a Master's degree.
5. **Unstable and low income:** 35% of respondents work exclusively under atypical contracts and 60% report that their income doesn't cover their basic living needs. Income fluctuates, with 51% of respondents reporting that their income varies significantly on a monthly basis.
6. **Financial precariousness and insufficient social protection:** 95% of cultural workers consider that their access to social protection measures is either insufficient or partially satisfactory. Only 8% of them believe that they will receive a pension for a full contribution period, and many choose to work in fields other than culture in order to obtain social insurance status and to accumulate a period of work. Given the lack of social protection mechanisms specific to the cultural sector, most of them plan for retirement on their own, with little confidence in the social protection system provided by the state. Furthermore,  $\frac{1}{3}$  of the respondents are not medically insured and  $\frac{1}{6}$  are individually medically insured. In addition, only **34%** of respondents receive paid sick leave.

**The diversity and fluidity of employment relationships** means sporadic social security contributions, which results in partial and insufficient social insurance. In some cases, cultural workers may have periods when they aren't legally covered by existing contribution schemes, which affects access to social security benefits, including unemployment, sickness, and maternity leave benefits. **Irregular and fluctuating pay** can affect the ability to pay contributions, as well as the regularity of contribution payments, which affects access to social protection.

At the same time, the legal framework in the **Republic of Moldova** is not adapted to address the specific features and challenges faced by cultural workers and artists in the ICS. The current social protection system, based on traditional model of a worker with a stable employment contract and income is not adapted to protect cultural workers and artists employed in atypical or freelance employment relationships. Apart from the general regulations of the Constitution and the general provisions of the *Law on Culture* and the *Law on Creative People and Creative Unions*, there are no specific laws in Moldova on social security for artists and cultural workers, let alone regulations covering the independent

cultural sector.

Although *the Law on Culture*, *the Law on Creative People and Creative Unions and the Law on Theatres, Circuses and Concert Organizations* provide for the right to social protection and the obligation of the state to ensure the protection of cultural workers and artists - they do not provide for any mechanism to implement the Law and ensure the social protection of cultural workers and artists. Therefore, the State has not fulfilled its obligation under the Law to improve the system of social protection of cultural workers.

The only measure that represents a special social protection rule for artists is the provision on **reduced contribution period** for some categories of artists in public cultural institutions. The other measures are rather forms of support for artistic creative activities, encouragement of employment or recognition of merit in the cultural field. The current legal framework does not include any special rules to protect cultural workers and artists in the ICS. Cultural workers in the independent cultural sector have access to all social insurance rights only if they work on the basis of an individual employment contract. At the same time, the right to health is severely affected for cultural workers working under a service contract. Although persons working under a service contract pay health insurance contributions, **they do not acquire the status of an insured person in the AOAM system.**

Thus, cultural workers and artists constitute a **specific socio-professional group** with common risks and work particularities that need to be addressed by special rules. Due to the **atypical** nature of work practices, **cultural policies** need to take these particularities into account and provide for **special social protection measures**. These measures should respond to the flexibility and diversity of incomes, periods of inactivity or job instability in order to ensure adequate and fair protection for artists.

Therefore, **the State** should regulate as comprehensively as possible the field of employment relations specific to the independent cultural sector and provide for measures to extend the mechanisms to guarantee employee security for atypical employment relations in the ICS. The state should improve the social protection system by developing special contributory mechanisms (tailored for ICS) and non-contributory mechanisms to ensure access to basic health care and social protection for those on low incomes or those who cannot contribute consistently. This mixed system could better protect vulnerable cultural workers who are not sufficiently covered by contributory mechanisms.

**ICS organizations** need to critically reflect on their role as an employer and develop resilience and even resistance mechanisms as a sector to influence donor funding practices that guarantee and respect the wage rights of ICS cultural workers and artists.

**Donors** need to understand that they are currently contributing to and perpetuating the precariousness of cultural workers in ICSs and should assume full responsibility within the triangular legal employment relationship between donor-employer-employee.

## Public Policy Recommendations

**1. Adopt a special law, similar to the Romanian Cultural Workers' Statute**, which would provide the legal-fiscal framework for identifying and defining cultural workers and would

enhance the social protection of cultural workers by extending similar rights and guarantees comparable to those granted under standard employment contracts.

**2. Adopt a special unemployment insurance mechanism for cultural workers and artists.** It is recommended to amend Article 43, paragraph (4), letter b of *Law No. 105/2018 on employment promotion and unemployment insurance*, so that eligibility for unemployment benefits is no longer tied to completing a 12-month contribution period within the last 24 calendar months, but instead calculated based on the number of contribution days, following the French model.

**3. Adopt of a special social insurance fund for artists and cultural workers modeled on the Artists' Social Insurance Fund (KSK) in Germany,** whereby cultural workers and ICS artists pay only half of the social security contributions and the other half of the contributions is financed by a state subsidy and a fee paid by companies that make use of artistic or written works created by freelancers.

**4. Adopt a flexible mechanism for paying social contributions.** Currently, in Moldova, a full year's contribution is calculated if social contributions have been paid for 12 months, but it is essential that the social protection system be adapted to the new atypical, precarious and unstable employment relationships and provide mechanisms for less frequent contributions, adapted to the irregular income of cultural workers. International examples, such as those from Uruguay and Argentina, show that a full contribution year can be accumulated even with intermittent presence on the labor market, through contributions for a minimum number of working days. These models could also be integrated into national schemes to support cultural workers.

**6. Adopt the concept of a living wage, as well as a methodology for calculating the living wage and the establishment of a minimum wage as close as possible to the living wage.**

**7. Negotiate and conclude international agreements for the portability of social rights.** In view of the increased mobility of cultural workers, States should develop bilateral and multilateral agreements to ensure the portability of social protection rights and benefits for cultural professionals working in more than one country. Such agreements would contribute to a more uniform coverage of social risks.

**8. Modify the merit award mechanism** to allow proposals for merit awards to be submitted by ICS cultural organizations, cultural workers and independent artists.

## **Recommendations for ICS cultural organizations**

1. Recognize and assume the role of the **employer** in employment relations, while upholding all employee rights and guarantees..
2. Negotiate grant agreements that allow for full compliance with all salary rights and guarantees.

3. Adhere to the procedure for formalizing work contracts by negotiating the terms and signing two copies of the contract before work begins
4. Avoid using alternative contracts (e.g., author's agreements, service provision contracts) when the work performed falls under a legally regulated individual employment contract..
5. Regulate salaries in the internal policies (Internal Regulation or Salary Policy) that would provide salary thresholds based on the estimated living wage for the Republic of Moldova, with a minimum of **26 524,74 MDL** for 2024.<sup>178</sup>

### **Recommendations for donors**

1. Revise the funding conditions for ICS organizations, based on their responsibility in the triangular employer-employee-donor labour relations and establishing, as a funding principle, the clause on the respect of all employees' rights and guarantees and decent remuneration.
2. Eliminate or significantly raise the eligible threshold for administrative costs to cover costs for decent pay and benefits such as vacation.

### **Recommendations for ICS cultural workers**

**Establish a union of ICS cultural workers** to represent and advocate for their professional, social, economic, and labor rights and interests before public authorities and donors, with the aim of negotiating and advancing proposals to improve the status of ICS cultural workers and increase their social protection.

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<sup>178</sup> Living wage <https://platzforma.md/salarul-de-trai>