

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/MOL/20

23 June 1999

(99-2558)

**Working Party on the
Accession of Moldova**

Original: English

ACCESSION OF THE REPUBLIC OF MOLDOVA

Checklist of SPS Requirements and Compliance by the Republic of Moldova

The Ministry of the Economy of the Republic of Moldova has submitted the following Checklist of SPS Requirements and Compliance by the Republic of Moldova, with the request that it be circulated to Working Party members.

Checklist of SPS Requirements and Compliance by the Republic of Moldova

Moldova is currently bringing itself into full compliance with the SPS agreement. To this end, Supplements are being drafted to Annex 1 of Governmental Decision No. 967 of 10 October 1995 establishing the Statutes of the State Phytosanitary Quarantine Service; to Governmental Decision No. 816 of 12 December 1995 “On Sanitary-Epidemiological State Supervision Rules” and to Governmental Decision No. 378 establishing the Statute of the State Veterinary Service

At present, only the draft Supplement to Annex 1 has been fully prepared. However, Annex 1, Governmental Decision No. 816 and Governmental Decision No. 378 all had identical shortcomings as regards WTO compliance. The remedies to these shortcomings are similar, and are illustrated by the text of the Supplement to Annex 1, which is analysed below. The Supplements to Governmental Decision No. 816 and to Governmental Decision No. 378, which are currently being drafted, will deal with the shortcomings of their respective Decisions in a comparable fashion, except that the Main State Inspectorate on Phytosanitary Quarantine will be retained as the single authority called for in Annex B, paragraph 10. The draft Supplement to Annex 1 is attached.

Description of the principles and WTO reference	Compliance by Moldova
1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles (general agreed principal in WTO accession negotiations).	Moldova agrees that any introduction of new standards, animal health regulations and food safety regulations will conform to SPS Agreement.
2. Establishment and operation of a single Contact Point for Information (“enquiry point”) (Article 7 and Annex B.3).	<p>The Supplement (Art. 5) establishes the Main State Inspectorate on Phytosanitary Quarantine, the Sanitary-Epidemiological Service (Ministry of Health) and the Veterinary Services (Ministry of Agriculture) responsible for the preparation of the documents on SPS measures to be provided in response to any Member’s request through the single inquiry point, which was set up within Department of Standards.</p> <p>Article 5 of the Supplement stipulates:</p> <p>The Main State Inspectorate on Phytosanitary Quarantine will establish within its field an unit, responsible for supplying through the single inquiry point answers to all reasonable questions of WTO members, as well as to supply appropriate documents on:</p> <ul style="list-style-type: none"> any phytosanitary regulation adopted or proposed on its territory; the procedures of determining the risk and the corresponding level of the phytosanitary protection; the commitment or participation of the Republic of Moldova or of the constituting bodies of its territory in the international phytosanitary systems and bodies, as well as the texts of agreements and arrangements.

Description of the principles and WTO reference	Compliance by Moldova
<p>3. Transparency: notification and access to documentation (Article 7 and Annex B, also G/SPS/7):</p>	<p>The Supplement outlines WTO compatible notification and transparency principles in paragraphs 3,4 and 5 which stipulate the following:</p> <ol style="list-style-type: none"> 1. Article 3: The Main State Inspectorate on Phytosanitary Quarantine is subjected to the Government of the Republic of Moldova and is designated as Central Notification Body, regarding the modification of phytosanitary measures and in order to supply information about the phytosanitary activity. 2. Article 4: In the case of the absence of an international standard, directive or recommendation, or in case the contents of a standard, directive or recommendation do not correspond to the contents of an international standard, directive or recommendation, and which can have a significant effect on the trade undertaken by other countries, members of WTO, the Main State Inspectorate on Phytosanitary Quarantine: <ol style="list-style-type: none"> i. publishes an announcement, in an early stage in such a way, as to allow the countries-members of WTO to get acquainted with the emerging changes and corresponding regulations; ii. will notify the other members, the WTO Secretariat, of products, intended to be regulated, together with a short description of the objective and motivation for the proposed regulation. Such notifications are to be done during an earlier stage, when it is still possible to introduce amendments, and when it is still possible to take into account comments; iii. will supply, at the request of the members, through the inquiry, copies of the proposed regulation, and to the extent possible will identify the elements, differing fundamentally from the international standards, directives or recommendations; iv. at the appropriate time, to supply the countries members of WTO written comments at their request, in order to take into consideration the comments and the results of discussions. (see Article 5 presented above)
<p>(A) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis (Annex B.5 (b) and</p>	<p>The Main State Inspectorate on Phytosanitary Quarantine will undertake notification obligations and will ensure that transparency requirements are met on an ongoing basis (see Articles 3 and 4 presented above).</p>

Description of the principles and WTO reference	Compliance by Moldova
Annex B.10);	
(B) establish guidance or law requiring publication of proposed measures at an early stage for comment (Annex B.5 (a));	Principles applied concerning early publication are laid out in Article 4, paragraph (i) of the Supplement (see Article 4 presented above).
(C) provision in law or administrative procedure to provide copies of proposed measures to WTO Members (Annex B.5 (c)); and	Article 4, paragraph (iii) of the Supplement provides for notification and provision of copies of proposed measures to WTO Members (see Article 4 presented above).
(D) require in law or administrative procedure, a reasonable period of time for comment from Members and the public and establishment of a process to take comments into account without discrimination (Annex B.5 (d)).	Article 4, paragraph (ii) of the Supplement provides for a reasonable time for comments from WTO Members (see Article 4 presented above).
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health (Article 2.2)	Article 7, paragraph (ii) of the Supplement requires that phytosanitary measures be applied only to the extent to assure the appropriate level of protection. ii. for the appreciation or support of certain phytosanitary measures for the realization of the respective level of phytosanitary protection, the Main State Inspectorate on Phytosanitary Quarantine insures that these measures are only those necessary for exerting the needed level of phytosanitary protection as determined by the Law on Phytosanitary Quarantine.
5. Regulations Based on Science: regulations governing animal and plant health and food safety shall based on scientific evidence (Articles 2.2, 3.3, and 5.2).	Article 7 of the Supplement requires scientific evidence to be used in taking SPS measures. Article 7 stipulates: While determining the risk, there are taken into consideration the scientific proofs, existing in this domain, the methods and procedures of production, model inspections, the spread of diseases, of plants and weeds pests, the existence of certain zones where there are no quarantine objective, the conditions of the environment, of quarantine regimes and so on.
6. Harmonization: to the extent possible, members shall follow	Articles 2 and 6 of the Supplement address the interest of Moldova in following international standards. Article 2 of the Supplement gives the definition of the

Description of the principles and WTO reference	Compliance by Moldova
international standards, guidelines, and recommendations in establishing SPS measures (Articles 3.1, 3.3, and 3.4).	<p>Harmonization principle: Harmonization – establishment, recognition and application of phytosanitary measures, common with those applied in other countries, members of WTO.</p> <p>Article 6 of the Supplement stipulates: The Main State Inspectorate on Phytosanitary Quarantine of the Republic of Moldova represents the interests of the State regarding the phytosanitary quarantine in competent international organizations and will fully participate in the activities of international organizations and their subsidiary bodies, especially the Commission of the Codex Alimentarius, undertaking its activity on the basis of the International Convention for plant protection, in order to promote within these organizations the elaboration and periodical examination of standards, directives and recommendations regarding all these aspects of phytosanitary measures and their conformity with international standards, directives and recommendations.</p>
7. Equivalence: members shall recognize different measures that achieve the same level of protection (Article 4).	<p>The concept of equivalence is recognized in Article 9 of the Supplement which stipulates: The Main State Inspectorate on Phytosanitary Quarantine recognizes phytosanitary measures of other countries – members of WTO as equal, even when these differ from the domestic ones, and that being proved by their usage, it is possible to obtain an adequate level of phytosanitary protection for the Republic of Moldova.</p>
8. Risk assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health (Articles 5.1, 5.2 and 5.3).	<p>Articles 7 and 8 of the Supplement requires that risks be assessed and there be development of scientific evidence to ensure that SPS measures are based on science and applied only to the extent necessary to protect health.</p>
9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined (Article 6 and Annexes A.6 and A.7).	<p>Article 12 of the Supplement addresses regional conditions with regard to regional characteristics both of the areas from which products originate and the areas for which they are destined. Article 12 stipulates: The Main State Inspectorate on Phytosanitary Quarantine will insure that the measures would be adopted in accordance with the phytosanitary characteristics of the zone – be it totally of a country, a part of the country or the entity or parts of other countries – where the products has its origins and to which it is supplied.</p> <p>While evaluating the phytosanitary characteristics of the region,</p>

Description of the principles and WTO reference	Compliance by Moldova
	there is going to be taken into account, inter alia, the level of expansion of pests and specific diseases, the existence of programs of their fight and adequate criteria or directives, which may be elaborated by the competent international organization.
10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers (Article 3 and Annex C.1 (a) and (d).	Article 10 of the Supplement provides for non-discrimination: The Main State Inspectorate on Phytosanitary insures that the phytosanitary measures would not create discrimination between the countries members of WTO, where there are similar conditions, including the territory of the Republic of Moldova and other WTO countries – members.
11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the Agreement (Article 8 and Annex C).	Article 11 of the Supplement fully implements the SPS provisions regarding control, inspection and approval procedures.