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ACCESSION OF THE REPUBLIC OF MOLDOVA

Checklist of SPS Requirements and Compliance by the Republic of Moldova

Revision

The Ministry of the Economy and Reforms of the Republic of Moldova has submitted the following revised 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. Governmental Decision No. 408 of 27 April 2000 "On amending Governmental Decision No. 697 of 10 October 1995" was adopted in order to modify Annex 1 of Governmental Decision No. 697 establishing the Statute of the State Phytosanitary Quarantine Service; Governmental Decision No. 816 of 12 December 1995 "On Sanitary-Epidemiological State Supervision Rules" was abrogated and a new Governmental Decision NR. 423 of 3 May 2000 was adopted. Law No. 1539-XII of 22 June 1993 "On veterinary activity" and Governmental Decision No. 378 regarding the Statute of the State Veterinary Service were modified and submitted to the Government for approval.

Below are analysed Annex 1 as modified by Governmental Decision No. 408 of 27 April 2000 and Governmental Decision No. 423 of 3 May 2000.

Description of the principles and WTO reference	Compliance by Moldova
<p>1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles (generally agreed principle in WTO accession negotiations).</p>	<p>Moldova agrees that any introduction of new standards, animal health regulations and food safety regulations will conform to SPS Agreement. All such measures introduced since the onset of the accession process have been in conformity with the SPS Agreement.</p>
<p>2. Establishment and operation of a single Contact Point for Information ("enquiry point") (Article 7 and Annex B.3).</p>	<p>A single Contact Point for Information was created within the Department of Standards, Metrology and Technical Supervision. Law on TBT, Article 13:</p> <ol style="list-style-type: none"> 1. An Information Center on Standardization and Certification has been created in the Republic of Moldova which, at the request of interested parties (bodies, natural and legal entities), will supply information regarding: <ol style="list-style-type: none"> (a) technical regulations, standards and other normative documentation adopted, or in the process of preparation in the Republic of Moldova; (b) the conformity assessment procedures in force or supposed to be applied on the territory within the Republic of Moldova; ... (d) notifications, mentioned in art. 6 of the present law are published in official journals. <p>Annex 1, Article 5:</p> <p>The Main State Inspectorate on Phytosanitary Quarantine provides answers to questions of domestic and foreign economic agents and upon their request offers information on:</p>

Description of the principles and WTO reference	Compliance by Moldova
	<ul style="list-style-type: none"> - any phytosanitary decision (amendment) adopted or proposed on its territory; - procedures of determining the risk and the corresponding level of phytosanitary protection; - commitment to, or participation of the Republic of Moldova or its competent bodies within the territory of the country in international or regional phytosanitary organizations, as well as the texts of agreements and their amendments. <p>GD No. 423, Article 10:</p> <p>The National Scientific Practical Center of Preventive Medicine of the Ministry of Health is appointed responsible for providing, through a single inquiry point, answers to all reasonable questions coming from the WTO members, as well as for supplying pertinent documents on:</p> <ul style="list-style-type: none"> - any sanitary regulation approved or suggested on its territory; - the procedures of determining the risk and the corresponding level of sanitary protection. <p>The Center is also responsible for membership to, or participation of the Republic of Moldova or national competent bodies within the country in international organizations or sanitary systems, as well as the texts of the agreements and commitments.</p>
<p>3. Transparency: notification and access to documentation (Article 7 and Annex B, also G/SPS/7):</p>	<p>Annex 1, Article 5 and GD No. 423, Articles 8 and 10 outline WTO compatible notification and transparency principles.</p> <p>GD No. 423, Article 8, paragraph 1:</p> <p>The State Sanitary-Epidemiological Service, as a structure of the Ministry of Health of the Republic of Moldova, is appointed as a Central Notification Authority responsible to notify the Secretariat of the World Trade Organization (WTO) on the changes of sanitary measures and provide information on sanitary activities (see Annex 1, Article 5 and GD No. 423, Article 10 presented above).</p>
<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 Annex B.10);</p>	<p>Annex 1, Article 6, paragraph (ii):</p> <p>In case of absence of an international standard, directive or recommendation, or the contents of a standard, directive or recommendation does not correspond to the contents of an international standard, directive or recommendation, and can have a significant effect on trade of other countries the Inspectorate:</p> <ul style="list-style-type: none"> ii. will notify the other countries on amendments, together with a short description of the proposed regulation. Such notifications are to be done during an early stage, when it is still possible to introduce amendments, and when it is still possible to take into

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	<p>account comments.</p> <p>GD No. 423, Article 9, paragraph (3) :</p> <p>In case of absence of an international standard, directive or recommendation, or in case the content of any suggested standard, guideline or recommendation does not correspond to the contents of an international standard, guideline or recommendation and can have a significant effect on the trade of other member-countries of the WTO, the Ministry of Health shall:</p> <ul style="list-style-type: none"> - notify, through the Secretariat, the other members on the products included in the regulation, accompanying the notice with a brief description of the object and the purpose of the suggested regulation.
(B) establish guidance or law requiring publication of proposed measures at an early stage for comment (Annex B.5 (a));	<p>Annex 1, Article 6, paragraph (i):</p> <p>In case of absence of an international standard, directive or recommendation, or the contents of a standard, directive or recommendation does not correspond to the contents of an international standard, directive or recommendation, and can have a significant effect on trade of other countries the Inspectorate:</p> <ul style="list-style-type: none"> i. publishes an announcement in an early stage in order to allow the other countries to get acquainted with the emerging changes and corresponding regulations. <p>GD No. 423, Article 9, paragraph (2):</p> <p>In case of absence of an international standard, directive or recommendation, or in case the content of any suggested standard, guideline or recommendation does not correspond to the contents of an international standard, guideline or recommendation and can have a significant effect on the trade of other member-countries of the WTO, the Ministry of Health shall:</p> <ul style="list-style-type: none"> - publish an early notice in such a way as to allow member-countries of the WTO to take a first hand view of the emerging changes and suggested regulations.
(C) provision in law or administrative procedure to provide copies of proposed measures to WTO Members (Annex B.5 (c)); and	<p>Annex 1, Article 6, paragraph (iii):</p> <p>In case of absence of an international standard, directive or recommendation, or the contents of a standard, directive or recommendation does not correspond to the contents of an international standard, directive or recommendation, and can have a significant effect on trade of other countries the Inspectorate:</p> <ul style="list-style-type: none"> iii. will supply, at the request of other countries, copies of the proposed regulation identifying the elements that are

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	<p>fundamentally different from the international standards, directives or recommendations.</p> <p>GD No. 423, Article 9, paragraph (4):</p> <p>In case of absence of an international standard, directive or recommendation, or in case the content of any suggested standard, guideline or recommendation does not correspond to the contents of an international standard, guideline or recommendation and can have a significant effect on the trade of other member-countries of the WTO, the Ministry of Health shall:</p> <ul style="list-style-type: none"> - provide copies of the suggested regulations at the request of other members, and whenever is possible, identify the elements that differ from the international standards, guidelines and recommendations.
<p>(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)).</p>	<p>Annex 1, Article 6, paragraph (iv):</p> <p>In case of absence of an international standard, directive or recommendation, or the contents of a standard, directive or recommendation does not correspond to the contents of an international standard, directive or recommendation, and can have a significant effect on trade of other countries the Inspectorate:</p> <ul style="list-style-type: none"> iv. will address, at the request of other countries, their written comments and will keep the record of the results of discussions. <p>GD No. 423, Article 9, paragraph (5):</p> <p>In case of absence of an international standard, directive or recommendation, or in case the content of any suggested standard, guideline or recommendation does not correspond to the contents of an international standard, guideline or recommendation and can have a significant effect on the trade of other member-countries of the WTO, the Ministry of Health shall:</p> <ul style="list-style-type: none"> - provide, in a timely manner, to other members of the WTO written comments, upon their request, in order to take into consideration their comments and the results of discussions.

Description of the principles and WTO reference	Compliance by Moldova
<p>4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health (Article 2.2)</p>	<p>Annex 1, Article 6 states that:</p> <p>When establishing or sustaining phytosanitary measures in order to achieve the respective level of phytosanitary protection, the Inspectorate insures that these measures do not have a trade distorting effect and that they are only those necessary for exerting the needed level of phytosanitary protection as determined by the Law on Phytosanitary Quarantine.</p> <p>GD No. 423, Article 11:</p> <p>When establishing or sustaining sanitary measures to achieve the necessary level of sanitary protection, the State Sanitary-Epidemiological Service ensures that such measures are applied only to the extent necessary to implement the level of sanitary protection, in conformity with the Law on Health Care NR 411-XIII of 28 March 1995, the Law on Sanitary-Epidemiological Protection of Population NR 1513-XII of 16 June 1993, and other current laws and normative documents of the Republic of Moldova.</p>
<p>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).</p>	<p>Annex 1, Article 6 stipulates:</p> <p>While determining the risk, there are taken into consideration the existing scientific proofs, the methods and procedures of production, inspection results, samples, the spread of plants diseases and weeds pests, the existence of certain zones where there are no quarantine objects, the conditions of the environment, quarantine regimes etc.</p> <p>GD No. 423, Article 11:</p> <ul style="list-style-type: none"> - on risk assessment, account is taken of available scientific proofs; pertinent techniques and methods of work, pertinent inspection, sampling and testing methods, the spread of diseases, existence of disease free areas, relevant environment conditions or other treatments, potential damage caused by the spreading of the disease, control or eradication expenditures, relative efficiency of costs incurred to support other measures of risks limitation.
<p>6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures (Articles 3.1, 3.3, and 3.4).</p>	<p>Article 2 of Governmental Decision No.423 gives the definition of the Harmonization principle:</p> <p>(b) Harmonization is the establishment, recognition and application of sanitary or anti-epidemic measures, common with those applied in member-countries of the World Health Organization (WHO), members of WTO and of other international bodies.</p> <p>Annex 1, Article 6 stipulates:</p> <p>The Inspectorate represents the interests of the state regarding phytosanitary quarantine in competent international organizations and</p>

Description of the principles and WTO reference	Compliance by Moldova
	<p>will fully participate in the activities of international organizations and their subsidiary bodies, 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> <p>GD No. 423, Article 8:</p> <ul style="list-style-type: none"> - the State Sanitary-Epidemiological Service represents the Government's interests regarding sanitary quarantine in international organizations and fully participates in the activities of the competent international organizations and their subsidiaries, particularly the World Health Organization, Codex Alimentarius Commission, to promote periodic elaboration and examination of standards, guidelines and recommendations regarding all aspects of sanitary measures.
<p>7. Equivalence: members shall recognize different measures that achieve the same level of protection (Article 4).</p>	<p>Annex 1, Article 6 stipulates:</p> <p>The Inspectorate recognizes phytosanitary measures of other WTO member-countries as equal, even when these differ from the domestic ones. It recognizes the fact that using these measures, it is possible to obtain an adequate level of phytosanitary protection for the Republic of Moldova. In such case the Inspectorate, upon request, shall be granted the access for inspection, testing and other procedures.</p> <p>GD No. 423, Article 12:</p> <ol style="list-style-type: none"> 1. Ministry of Health of the Republic of Moldova accepts sanitary measures of other member-countries of WTO as equivalent, even if they differ from the domestic ones, if the exporting country can objectively prove to the importing country that sanitary measures proposed ensure an adequate sanitary level for the Republic of Moldova. In such cases the Ministry of Health of the Republic of Moldova, upon request, shall be granted access for inspection, testing and other procedures.
<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>	<p>Article 6 of Annex 1 and Article 11 of GD No. 423 require 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 (see point 5, above).</p>

Description of the principles and WTO reference	Compliance by Moldova
<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>	<p>Annex 1, Article 6 stipulates:</p> <p>The Inspectorate will insure that the phytosanitary measures will be applied in accordance with the phytosanitary characteristics of a country, a part of the country, totally or partially for a large number of countries where the product has its origin and to which it is supplied.</p> <p>While evaluating the phytosanitary characteristics of a region, account will be taken of the level of expansion of pests and specific diseases, the existence of programs for combating them and adequate criteria or directives, which may be elaborated by the competent international organizations.</p> <p>GD No. 423, Article:</p> <p>The State Sanitary-Epidemiological Service:</p> <ul style="list-style-type: none"> - shall ensure that sanitary measures be adjusted to the local sanitary characteristics. While assessing sanitary characteristics of the region, one should take into account the extent of specific disease spreading, availability of programs aimed at disease eradication or control, as well as adequate criteria or guidelines which can be developed by international competent organizations.
<p>10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers (Article 2.3 and Annex C.1 (a) and (d)).</p>	<p>Annex 1, Article 6 states:</p> <p>The Inspectorate 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 members.</p> <p>GD No.423, Article 11:</p> <ul style="list-style-type: none"> - the State Sanitary-Epidemiological Service ensures that sanitary measures shall not generate unjustified discrimination between member-countries of WTO having similar or identical conditions, including the Republic of Moldova and other member-countries of WTO. Sanitary measures shall not be enforced in a manner likely to be interpreted as a disguised restriction to international trade.

Description of the principles and WTO reference	Compliance by Moldova
<p>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 feed stuffs comply with the Agreement (Article 8 and Annex C).</p>	<p>Annex 1, Article 15:</p> <p>All products and vehicles arriving to the Republic of Moldova from other countries are subject to a phytosanitary quarantine control at the border control offices, to laboratory expertise and depending on the case to disinfecting process.</p> <p>GD No. 423, Article 14:</p> <p>For any procedure related to verification and implementation of sanitary measures, the State Sanitary-Epidemiological Service shall:</p> <ul style="list-style-type: none"> - ensure that relevant procedures be effected without unjustified delay and in a manner no less favorable for imported goods than for similar domestic goods; - ensure that standard period for carrying out each procedure shall be made public or, as requested, communicated to the person concerned. The State Sanitary-Epidemiological Service shall thoroughly examine the documentation for completeness and informs the person concerned about any deficiencies; - shall ensure that confidentiality of all information regarding imported goods which resulted from or were provided in connection with the control, inspection or approval be observed in a manner no less favorable for imported goods than for similar home produced goods, and in such a way as to protect legal commercial interests.
