

**REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES<sup>1</sup>**

Notification under Article 7.3 of the Agreement on  
Import Licensing Procedures<sup>2</sup>

MOLDOVA

The following communication, dated 30 January 2002, has been received from the Permanent Mission of Moldova.

Outline of System

1. Moldova does not, at present, maintain quotas or other quantitative restrictions on imports. A range of goods such as ammunition, explosives, drugs, medication, gold and silver are subject to licensing in accordance with Article XX and XXI of the GATT.

The Republic of Moldova has a unified licensing system based on the provisions of Law No. 332 of 26 March 1999 on Licensing Certain Types of Activities (Annex No.2) and Governmental Decision 777 of 13 August 1997, amended by Governmental Decision Nos. 76 of 22 January 1998 and 793 of 21 August 1999. The new Law on Licensing Certain Types of Activities No. 451-XIV of 30 July 2001 was adopted which abrogated the Law No. 332 of 26 March 1999 but in accordance with its provisions it will enter into force six months after the date of publication, i.e. on 6 March 2002.

Most goods enter the Republic of Moldova without an import licence. However, certain goods which may affect the health of citizens or raise environmental or national security concerns require a licence to be imported into the country. The licences do not establish any limitations on the quantities of goods.

Law No.332 and the Governmental Decision No. 777 authorize certain institutions to issue licences for specific transactions, thus being limited to those transactions. The institutions and the product groups covered are as follows:

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<sup>1</sup> See document G/LIC/3, Annex, for the Questionnaire.

<sup>2</sup> Contains information on import licensing and similar administrative procedures applied in 2001.

## (a) Special Governmental Committee

Product Group	HS-Code	Reason for Licensing	GATT Reference
Weapons, ammunition, military equipment, kits to produce such equipment, works and services in the field of technical-military cooperation	93	National security	Art. XXI (b)(ii)
Explosive substances	3601-3604	National security	Art. XXI (b)(ii)
Nuclear materials, technologies, equipment and installations to produce such materials	2844, 8401	National security	Art. XXI (b)(ii)

## (b) Ministry of Health

Product Group	HS-Code	Reason for Licensing	GATT Reference
Pharmaceutical products	1204, 1207, 1211, 2924, 2935-2938, 2941, 3001-3006, 370110, 4014, 4015, 481840, 481890, 7017	Protection of human, animal or plant life or health	Art. XX (b)
Medical and optical equipment, parts and accessories, bio-media for the development of micro organisms	9001-9004, 9018-9022, 3821	Protection of human, animal or plant life or health	Art. XX (b)
Diagnostic tests and chemical reactive, disinfectants	3822, 3808	Protection of human, animal or plant life or health	Art. XX (b)
Drugs, substances with psychotropic effects; materials to produce such substances	1302, 2921, 2922, 2926, 2929, 2932, 2933, 2939, 280610, 2807, 28416, 290231, 290911, 291411, 291412, 29143, 291524, 291633, 2924, 2950, 2932, 9073-2932, 2950, 9071, 293332, 29394, 29396	Protection of human, animal or plant life or health	Art. XX (b)

(c) Ministry of Agriculture and Processing Industry

Product Group	HS-Code	Reason for Licensing	GATT Reference
Poisons	280480, 280540, 2837, 2838, 284160, 2904, 2907, 2908, 291521	Protection of human, animal or plant life or health	Art. XX (b)
Chemical and biological products for plant protection and stimulation of plant growing	31, 3808 <sup>3</sup>	Protection of human, animal or plant life or health	Art. XX (b)
Instruments and appliances for veterinary medicine	9018-9022	Protection of human, animal or plant life or health	Art. XX (b)

(d) Ministry of Finance

Product Group	HS-Code	Reason for Licensing	GATT Reference
Precious metals (silver and gold), objects made thereof, alloys, semi fabricates, wastes containing precious metals (except electronic articles containing precious metals)	7106, 7108, 7113, 7114, 7115, 7118, 71121000	Special role of gold and silver	Art. XX (c)
Gasoline	27100021-27100039 <sup>3</sup>	Protection of human, animal or plant life or health	Art. XX (b)
Gas	2710006 <sup>4</sup>	Protection of human, animal or plant life or health	Art. XX (b)

<sup>3</sup> Only for imports.

<sup>4</sup> Import of such products is effectuated in accordance with the provisions of GD No.305 of 27 March 1997 on Organizational, Juridical and Administrative Actions to Combat the Tax Dodging and Financial Frauds on the Import or Export of Petrol Products.

## (e) Ministry of Economy and Reforms

Product Group	HS-Code	Reason for Licensing	GATT Reference
Textile products (for export in EU states)	57-63	Protection of human, animal or plant life or health	Art. XX (b)

Purposes and coverage of licensing

2. Moldova has a unified licensing system that applies to arms and military equipment, silver, gold and alloys, chemical substances and poisons, pharmaceutical products and drugs.
3. The licensing systems apply to goods irrespective of their origin.
4. The import licensing system is not intended to restrict the quantity or value of imported goods. It is designed to provide up-to-date information on trade in commodities of social or security concern. Licensing is believed to be the least costly way of securing such information.
5. Import licensing is authorized under the Law on Licensing Certain Types of Activities No. 332 of 26 March 1999 (Annex No.2) and Governmental Decision 777 of 13 August 1997, amended by Governmental Decision No. 76 of 22 January 1998 and Governmental Decision No.793 of 21 August 1999. The new Law on Licensing Certain Types of Activities No. 451-XIV of 30 July 2001 was adopted which abrogated the Law No. 332 of 26 March 1999, but in accordance of its provisions it will enter into force six months after the date of publication, i.e. on 6 March 2002.

Procedures

6. Goods imported under import licensing procedures are not subject to restriction as to the quantity or value of imports.
- 7.(a) An applicant for a licence may submit an application at any time. A decision to issue a licence, or to refuse one, is made by the Commission on Licence within 30 days from the date of the presentation of all the necessary documents. Licences can be obtained in a shorter period of time for goods arriving without a licence.
- (b) A licence can be granted immediately on request.
- (c) A licence is issued for the period requested by the importer. There is no minimum time frame between the date of the issuance of the licence and the date by which the importation must occur. Procedures do not vary according to the period of the year.
- (d) Applications are considered by the bodies responsible to issue the licences after receipt of all necessary documents. The competencies are set out in Annex 1 of Governmental Decision No. 777 (see Reply 1, table).
8. Where activity licensing is involved, a firm not licensed for the appropriate activity would be refused an import licence. The reasons for refusal must be provided in writing to the applicant.

Eligibility of importers to apply for licence

9. All legal persons are equally eligible to apply for import licences.

Documentation and other requirements for application for licence

10. For licence issuance juridical or natural person presents:
- (a) a request, where:
    - legal persons indicate the names of their enterprises and the juridical-organizational form, juridical address (headquarters) and their fiscal codes;
    - natural persons indicate their names and surnames (in case of necessity – father's name), data from the identity cards (serial number, number and place of living) and the fiscal code;
    - legal and natural persons indicate the types of activity applied for in the licence;
  - (b) a statute for legal persons or the decision on foundation for natural person;
  - (c) the act on registration in accordance with the legislation;
  - (d) if necessary, the notification of accredited body responsible for issuing licences.

The documents referred to in (a), (b) and (c) are not required from natural persons who have the right to a licence under other legislative acts.

11. Upon actual importation the following documents are required:

- licence;
- selling-purchasing contract.

12. In conformity with Article 15 of Law on Issuance of Licences for Some Types of Activities No. 332-XIV of 26 March 1999, the licence shall be issued upon payment of a fee.

Article 15 of Law No. 332-XIV of 26 March 1999 stipulates:

- (a) The licence is issued upon payment of a fee (licence fees shall not exceed 20 minimal wages for natural persons and 50 minimum wages for legal persons). The following activities are subject to licence fees determined by the Law on State Budget for the year 2001:
  - organization and drawing of lotteries;
  - casino-keeping, exploitation of game machines with money gains, betting during sports contests and other kinds of competitions;
  - import and wholesale marketing of alcoholic drinks and tobacco products;
  - import and marketing of petrol and gas oil;
  - import and marketing of chemical and biological substances and fertilizers stimulating plant growth;
  - manufacture of biological substances and fertilizers stimulating plant growth
  - exploitation of auto transport for passenger traffic (with the exception of urban transport);
  - international auto, railway and naval traffic of goods;
  - exploitation of specialized auto transport destined for transportation of toxic, explosive and flammable substances (coordinated with the Department of Standards, Metrology and Technical Assistance and the Department for Civil Protection and Emergency Cases, and in some cases with the institutions on sanitary and epidemiological control);

- depositing of fuel, liquefied gas and lubricants (coordinated with the Department for Civil Protection and Emergency Cases);
- professional activity with transferable securities;
- Stock Exchange activity;
- capital investment activity;
- audit of professionals who participate at the Stock Exchange.

The licence fee for mobile service providing shall not be less than the sum equivalent to US\$1 million.

- (b) the fee for the delivery of the licence duplicate in the case of the loss of the latter consists of 10 per cent of the licensing taxes;
- (c) the licence fees are collected within the respective budget, on the account of which the body authorized with licence issuance works.
13. No deposit or advance payment is required for the issuance of a licence.

#### Conditions of licensing

14. Import licences are issued with the period of validity requested by the importer. Moreover, based on well-grounded request by the applicant, a licence extension may be granted. An authorized official must affirm a licence extension in writing.

15. If a licence is not utilized, be it partially or wholly, it is cancelled and returned to the issuing institution. There is no penalty payment.

16. Licences are not transferable between importers.

17. Certain special conditions are introduced for licensing of petroleum products, tobacco products and alcoholic beverages:

- Insurance of activities without losses
- Payment of debts to the budget and Social Fund

Licences for the export, import and re-export of precious metals are issued to economic agents - holders of licences for activities with precious metals and precious stones in Moldova.

#### Other procedural requirements

18. There are no other administrative procedures.

19. Foreign exchange is automatically provided through the banking system for goods to be imported. A licence is not required as a condition to obtain foreign exchange. Foreign exchange is always available to cover licences issued. The only formality to be performed in order to obtain foreign exchange is to present the import contract indicating the amount to be paid for imported goods.

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