

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/MOL/8/Add.1

5 November 1997

(97-4824)

**Working Party on the Accession
of the Republic of Moldova**

Original: English

ACCESSION OF THE REPUBLIC OF MOLDOVA

Additional Questions and Replies

Addendum

The Ministry of the Economy of the Republic of Moldova has submitted the currently applied tariff rates in 1996 and 1997 in electronic format (available in the Secretariat) as well as the Information on Import Licensing Procedures (annexed hereto). The following legal texts referred to in the Additional Questions and Replies to the Memorandum on the Foreign Trade Regime of Moldova (document WT/ACC/MOL/8) are available in the Secretariat (Accessions Division, Room 1126) for consultation:

- Law On Free Economic Zones No. 1451-XII of 25 May 1993;
- Law On the Procurement of Goods, Works and Services for the Needs of the State No. 1166-XII of 30 April 1997;
- Government Decision On Improving the Mechanism of Regulating Foreign Trade No. 777 of 13 August 1997;
- Medico-Biological Requirements and Sanitary Rates Regarding the Quality of Raw Materials and Food Products (approved by the Deputy-Minister of Health No. 5061-89 of 1 August 1989);
- Information Concerning the Registration of Drugs in the Republic of Moldova, published by Institutul National de Farmacie of the Ministry of Health of the Republic of Moldova;
- List of companies in which the State has a share of 25 per cent or more;
- Summaries of Laws of the Republic of Moldova:
 - On Special Legal Status of Gagauzia (Gagauz-Yeri) No. 344-XIII of 23 December 1994;
 - On Limitation of Monopolistic Activity and Development of Competition No. 906-XII of 29 February 1992;
 - On Audio-Visual Services No. 603-XIII of 3 October 1995;
 - On the Bases of the Foreign Economic Activity in the Republic of Moldova No. 849-XII of 3 January 1992;
 - On Financial Institutions No. 550-XIII of 21 July 1995;
 - On Patents for Inventions No. 461-XIII of 18 May 1995;

- On Trademarks and Appellations of Origin No. 588-XIII of 22 September 1996;
- On Copyright and Neighbouring Rights No. 293-XIII of 23 November 1994;
- On Protection of Industrial Designs No. 991-XIII of 15 October 1996;
- On Plant Variety Protection No. 915-XIII of 11 July 1996;
- On Standardization No. 590-XIII of 22 September 1995;
- On Commercial Secret No. 171-XIII of 6 July 1994;
- On the Road Fund No. 720-XIII of 2 February 1996;
- On Protection of Consumers' Rights No. 1453-XII of 25 May 1993.

ANNEX 3
(WT/ACC/1)

INFORMATION ON IMPORT LICENSING PROCEDURES

I. OUTLINE OF SYSTEMS

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 Articles XX and XXI of the GATT. In addition, import licensing has been introduced for petrol and diesel, as well as for alcohol and tobacco products.

The procedures and fees for licences to import alcohol and tobacco products differ from those applicable to other import licences. The licensing for alcohol and tobacco products will therefore be treated as a separate licensing system for the purposes of the questionnaire. Where no separate answers are provided, the statement applies to both licensing systems.

II. PURPOSES AND COVERAGE OF LICENSING

1. There are two licensing systems. The import of goods listed in Annex 1 of Government Decision No.777 is governed by the general licensing system. The import of alcohol and tobacco products is governed by a special licensing system provided for in Annex 4 of Government Decision No.777. The HS codes for the alcohol and tobacco products will be published in a ministerial regulation to be issued later this year.

2. Both licensing systems apply to goods irrespective of their origin.

3. The licensing requirement is not intended to restrict the quantity or value of imports. Licensing for the goods listed in Annex 1, except for petrol and diesel, has been introduced to protect human, animal or plant life, the environment, national security and public morals in accordance with Articles XX and XXI GATT. Licensing for petrol and diesel is part of a series of measures to reduce tax evasion and fraud in connection with the import of these products through better monitoring. Licensing for alcohol and tobacco products has been introduced for fiscal reasons.

4. Licensing is performed according to Government Decision No.777 of 13 August 1997. The goods subject to the general licensing system are listed in Annex 1 of Government Decision No.777 and are identified with HS numbers. Alcohol and tobacco products are not specified further in Government Decision No.777 but will be identified with HS numbers in a ministerial regulation to be issued later this year.

As the licensing systems have been introduced by decision of the Government it can also be abrogated or amended by Government without recourse to Parliament.

III. PROCEDURES

1. There are no restrictions as to the quantity or value of imports.

2. There is no quantitative limit on importation.

2.1. General Licensing System

- (a) A licence is issued five days after the complete set of documents have been submitted. 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) There are no limitations as to the period of the year during which applications for import licences can be made.
- (d) For each product subject to licensing there is one administrative organ authorized to consider the licence application and to issue the licence. The competencies are set out in Annex 1 of Government Decision No.777.

2.2. Licences for Alcohol and Tobacco Products

- (a) A licence is issued within one month after the complete set of documents have been submitted. Licences for alcohol and tobacco products cannot be obtained in a shorter period of time.
- (b) Licences for alcohol and tobacco products cannot be obtained immediately on request.
- (c) There are no limitations as to the period of the year during which applications for import licences can be made.
- (d) Applications for licences for the importation of alcohol and tobacco products are considered by one administrative organ, the Ministry of Economy and Reforms.

3. Applications for import licences can be refused only if the documents submitted do not correspond to the legislation in force or if the provisions of Government Decision No.777 are not respected.

IV. ELIGIBILITY OF IMPORTERS TO APPLY FOR A LICENCE

Only legal persons are eligible to apply for an import licence.

V. DOCUMENTATION AND OTHER REQUIREMENTS FOR APPLICATION FOR A LICENCE

A. General Licensing System

1. The following documents have to be submitted in order to obtain an import licence:

- a request (no specific format required);
- an application form;
- selling or purchasing contract concluded with a foreign partner;
- copy of registration certificate;
- certificate from the tax inspectorate confirming that the applicant has honoured all his obligations to the Budget and to the Social Fund;

- certificate from the National Bank and the Customs Department confirming that the applicant has repatriated all foreign exchange earnings from previous foreign trade transactions within the prescribed time limit.
2. Upon actual importation the following documents are required:
 - licence;
 - selling-purchasing contract.
 3. The licence fee is 0.1 per cent of the value of the goods imported which is payable when the licence is issued.
 4. No deposit or advance payment is required for the issuance of a licence.

B. Licences for Alcohol and Tobacco Products

1. The following documents have to be submitted in order to obtain an import licence for alcohol and tobacco products:
 - certificate of registration issued by the State Registration Chamber (Ministry of Justice);
 - certificate of registration as taxpayer indicating the fiscal code;
 - certificate from the tax inspectorate confirming that the applicant has honoured all his obligations to the Budget and to the Social Fund;
 - certificate of the tax inspectorate indicating the quantities of alcoholic beverages and tobacco products imported and taxes paid in previous years;
 - statement about the packaging of the above mentioned products.
2. Upon actual importation a copy of the licence must be attached to the customs declaration.
3. The licence fee is MDL 200.000 per annum.
4. No deposit or advance payment is required for the issuance of a licence.

VI. CONDITIONS OF LICENSING

A. General Licensing System

1. Import licences are valid for the period indicated in them and expire at the end of the year in which they have been issued. The applicant can request that the validity of the licence be extended. The new period of validity will be communicated by the issuing institution in writing.
2. 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 but fee payments already made are not reimbursed.
3. Licences are not transferable between importers.
4. There are no other conditions attached to the issue of a licence.

B. Licences for Alcohol and Tobacco Products

1. The licence is issued for twelve months from the date of issuance. Upon expiry of the licence the importer has to apply for a new licence.
2. There is no penalty for non-utilization of the licence.
3. Licences are not transferable between importers.
4. There are no other conditions attached to the issue of a licence.

VII. OTHER PROCEDURAL REQUIREMENTS

1. There are no other administrative procedures.
2. 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 sum to be paid for the imported goods.