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Committee on Import Licensing

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES

MOLDOVA

The following communication, dated 18 September 2013, is being circulated at the request of the delegation of Moldova.

Outline of System

1. Most goods enter the Republic of Moldova without an import license, with the exceptions of those specified in the national legislation. However, certain goods which may affect the health of citizens or raise environmental or national security concerns, require a licence / permission to be imported into the country. The licenses do not establish any limitations on the quantities of goods.

Purposes and coverage of licensing

2. The import of the following products is subject to licence/permission in Republic of Moldova:

- a. import of ethyl alcohol, alcoholic products and / or imported beer;
- b. import of tobacco products and fermented tobacco;
- c. import of phytosanitary and fertilizers products;
- d. import of toxic chemical substances and materials;
- e. import of civil arms and ammunition;
- f. import of explosives for civil uses;
- g. import of pyrotechnic articles;
- h. import of cryptographic methods and technical protection of information, special technical methods for obtaining secret information;
- i. import of gasoline, diesel, and / or liquefied petroleum gas;
- j. import of strategic goods;
- k. import of goods which are subject to sanitary veterinary control;
- l. import of medicinal products;
- m. import of narcotic drugs, psychotropic substances and precursors;

n. import of halogenated hydrocarbons that are depleted the ozone layer.

In the case of (a), (b), (c), (d), (e), (f), (g) and (h) the licence on importation is granted by the Licensing Chamber.

In the case of (i) the licence on importation is granted by the National Energy Regulatory Agency.

In the case of (j) the permission on importation is granted by Ministry of Economy.

In the case of (k) and (c) the permission on importation is granted by the Ministry of Agriculture and Food Industry.

In the case of (l) the permission on importation is granted by the Medicines Agency.

In the case of (m) the permission on importation is granted by the Standing Committee on Drug Control.

In the case of (n) the permission on importation is granted by the Ministry of Environment.

3. The licenses and permissions apply to any product imported from any country, and products originating in any country.

4. The license and permission requirements do not include any quantitative or value restrictions. 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. The import licensing system is legally regulated by:

- Law No. 451-XV of 30 July 2001 on Business Activity Licensing.
- Law No. 160 of 22 July 2011 on regulating the authorization of entrepreneurial activity.
- Law No. 221 of 19 July 2007 on sanitary-veterinary activity.
- Law No. 1163-XIV of 26 July 2000 on export control, re-export, import and transit of strategic goods.
- Law No. 119-XV of 22 April 2004 on phytosanitary and fertilizers products.
- Law No. 1409-XIII of 17 December 1997 on medicinal products.
- Law No. 382-XIV of 6 May 1999 on circulation of narcotic drugs, psychotropic substances and precursors.
- Law No. 852-XV of 14 February 2002 for approving the Regulation on trade regime and regulating the use of halogenated hydrocarbons that are depleting the ozone layer.

Procedures

6. Goods imported under import licensing/permission procedures are not subject to restriction as to the quantity or value of imports.

7. (a) An applicant for an import licence/permission may submit an application at any time. The decision to issue a licence, or to refuse one, is made within 5 working days from the date of the presentation of all the necessary documents and respectively within 10 working days to issue or refuse a permission.

(b) There is no defined shorter time-limit, but the legislation provides that if no reasonable rejection is given within a predetermined time limit, the license/permission is deemed issued by the issuing authority.

(c) A licence/permission is issued for the period stipulated by the Law. There is no minimum time frame between the date of the issuance of the licence/permission and the date by which the importation must occur. Procedures do not vary according to the period of the year.

(d) Generally, consideration of application for import licence is effected by only one administrative body, Licensing Chamber. In case of the permission consideration of permission applications is carried out by the respective issuing body.

8. An application for an import licence/permission may be refused if any of the requirements set forth in the legislation is not met. 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/permission.

Documentation and other requirements for application for licence

10. The application for import of certain products has to provide the following information:

- (a) Declaration of the model established by the respective authority, signed by the person making the declaration, containing:
- name, legal form of organization, location, company or organization IDNO; name, address and IDNP of the individual;
 - type of activity, full or partial, for which the license applicant intends to obtain a license;
 - assuming the responsibility for complying with license conditions to conduct the type of activity for which the license for the authenticity of submitted documents.
- (b) Declaration for issuing the license is accompanied by the following documents:
- copy of certificate of state registration of the enterprise or organization or the ID of the individual;
 - Additional documents in accordance with the legislative acts regulating the licensed activity of the requested license;

In order to obtain the permissive act, the applicant must submit to the issuing authority, personally, by recommended letter or by e-mail the necessary documents required by the legislative act that regulates the respective activity or an application accompanied by an affidavit on compliance requirements of legal acts regulating activities for which require permissive act.

11. Upon actual importation the following documents are required:

- Import licence/permission
- Commercial invoice
- Sale Purchase Contract
- Annex (specification) to the sales contract

12. There is a one-time mandatory fee for obtaining the licence aiming to cover the administrative expenses. The amount for the licence fee is determined in conformity with Article 18 of Law No. 451-XV of 30 July 2001 on Business Activity Licensing.

The amount for the permission fee is expressly specified in the Nomenclature of Permits

13. There is no other deposit or advance payment except that paid for licensing/permission fee.

Conditions of licensing

14. In general the permission is issued for an unlimited time period, as well as for defined time period, stipulated by Law. The validity of the licence varies from 1 to 5 year, according to the type of the licence required. The validity of the licence/permission can be extended, but not after the term of validity of the economic agreement, which refers to this licence/permission.

15. There are no penalties for the non-utilization of a licence/permission. If a licence/permission is not utilized, it is cancelled and returned to the issuing institution.

16. Licences/permissions are not transferable between importers.

17. There are no other conditions attached to the issue of license/permissions.

Other procedural requirements

18. No other administrative procedures are required.

19. Foreign exchange is automatically provided through the banking system for goods to be imported. A licence/permission is not required as a condition to obtain foreign exchange. Foreign exchange is always available to cover licences/permissions 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.
