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Page: 1/2

Committee on Import Licensing

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IMPORT LICENSING SYSTEM OF THE REPUBLIC OF MOLDOVA

REPLIES BY THE REPUBLIC OF MOLDOVA TO THE QUESTIONS FROM THE EUROPEAN UNION REGARDING ITS IMPORT LICENSING NOTIFICATION (G/LIC/N/3/MDA/3)

The following communication, dated 19 June 2015, is being circulated at the request of the delegation of the Republic of Moldova.

1. According to Article 2 (Main Definitions) of the Law No. 1163-XIV of 26 July 2000 on export control, re-export, import and transit of strategic goods, "strategic goods" include:

- a) Products, technologies and services that have dual use (civil and military);
- b) Weapons, ammunition, military equipment, technologies and related services;
- c) Products, technologies and services that can be used in the manufacture and use of nuclear, chemical, biological and missiles capable of carrying such weapons;
- d) Other products, technologies and services that require a special control in the interests of national security or foreign policy in accordance with international agreements and arrangements to which Moldova is a party.

2. Furthermore, according to Article 5 (Categories of strategic goods subject to control) of the above mentioned Law, object of export control, import and transit is represented by the following categories of strategic goods:

- a) Conventional weapons as well as items, raw materials, materials, special equipment, technologies and services related to the production and their use;
- b) Materials, technologies, equipment and nuclear installations, materials, products, equipment and special non-nuclear technologies, as well as related services that can have double destination, sources of radiation;
- c) Technologies and double destination equipment and related services, as well as chemical substances that can be used in the manufacture and use of chemical weapons;
- d) Equipment, materials and technologies used to design, manufacture and use of arms, as well as related services;
- e) Weapons, ammunition, military equipment and special assembling items, as well as technologies and services for the production and use thereof;
- f) Agents of various diseases, genetically modified versions of these agents, fragments of genetic materials, as well as equipment, technologies and related services that can be used in the production and use Bacteriological Weapons (Biological) and Toxin;
- g) Materials and explosive substances, as well as equipment, technologies and related services;
- h) Scientific and technical information, services and results of intellectual activity related to military production;
- i) Other products, technologies and services that require a special control in accordance with the Governmental decisions.

3. The Government elaborates and approves the Nomenclature of Goods subject to control, which are published in the Official Gazette of the Republic of Moldova. Also, the Government can submit to the Parliament proposals for the imposition of restrictions on the export, re-export, import and transit of strategic goods.

4. The Government decision No. 1363 of 29 November 2006 regarding the way to issue authorizations for the importation of products, mentioned in the notification submitted by the Republic of Moldova (G/LIC/N/2/MDA/1) of 16 October 2008, was repealed through the Government decision No. 890 of 28 December 2009. In this context, the import procedure for Meat, Edible Offal and Dairy products is not limited, does not involve any quantitative restrictions such as TRQs.
5. In order to clarify the roles of the Licensing Chamber as well as the role of the Ministry of Agriculture and Food Industry in the process of providing the approval for importation of agricultural products, it is necessary to mention that the Licensing Chamber is a specialized public body under the Ministry of Economy, which has status of a legal entity with the right to **issue the license according to the type of activity** that is regulated by licensing (Law No. 451-XV of 30 July 2001). While the Ministry of Agriculture and Food Industry **is issuing sanitary and veterinary authorizations in order to operate** (in compliance with required documents) and also for the importation (Law No. 221-XVI of 19 July 2007).
6. In accordance with Article 11 of the Law No. 451-XV of 30 July 2001 on Business Activity Licensing, in case of rejection of the declaration for issuance/extension of the license, the applicant may submit a new declaration after removing the causes that led to the rejection of the previous declaration. In case of refusal to issue a license, the applicant is informed in writing by the Licensing Chamber through a Decision which specifies the reasons for refusal and conditions which have not been met by the applicant. Subsequently, if the applicant does not agree with the Licensing Chamber Decision, it has the right to appeal this Decision in the district court.
7. The list of documents required for each product that is subject to license/authorization in the Republic of Moldova is set in each legislative/normative act in force that regulates the licensed activity for the permissive act requested.
8. Referring to the submission of necessary documents required by the legislation in order to obtain the permissive act, we should mention that according to the provisions of paragraph 1, Article 6 of the Law no. 160 of 22 July 2011 on regulating the authorization of entrepreneurial activity, the importer may choose from the alternatives, either to submit the documents via recommendation letter or by e-mail.
