## WORLD TRADE

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Working Party on the Accession of Moldova

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#### ACCESSION OF THE REPUBLIC OF MOLDOVA

<u>Analytic Note Listing Moldovan Legislation, Decrees, Decisions and Regulations</u>
<u>Relevant to the WTO Legal Texts: Status of Draft Legislation and Draft Amendments</u>

The Ministry of the Economy of the Republic of Moldova has submitted the following Analytic Note listing Moldovan legislation, decrees, decisions and regulations relevant to the WTO legal texts, with the request that it be circulated to Working Party members.

# Analytic Note listing Moldovan Legislation, Decrees, Decisions and Regulations Relevant to the WTO Legal Texts: Status of Draft Legislation and Draft Amendments

The Government of Moldova is pleased to submit to the WTO a list of current laws, decrees and decisions pertaining to its Foreign Trade Regime. The list also identifies draft laws, draft amendments to laws, and draft decisions currently in the process of being approved by the Government and/or enacted by Parliament. If the law, decree or decision has been translated into English, the English text is attached to this Note, even when, as in many cases, the text has previously been submitted to WTO. If there is currently no English version, this is indicated in the column "Notes" by the annotation "being translated". It is anticipated that the translation of the bulk of these texts will be completed by the time of the next Working Party meeting on 19 July 1999: all texts will be available in English by 1 August 1999.

The Government of Moldova is aware that some Members have expressed an interest in having an electronic version of all texts, including those previously provided to the WTO Secretariat in hard copy only. The Government will be pleased to make available all texts referred to in this Note in electronic form in the near future. Those texts previously submitted to WTO in hard copy only, but which will be provided on disc in the near future, are marked (\*).

In considering the time likely to be required to enact draft legislation, the following disciplines imposed by the Government should be borne in mind. After a draft law is prepared by the Ministry primarily concerned, two weeks are allowed for comments by other relevant ministries, two weeks for consideration by the Ministry of Justice, and three weeks for consideration by the Government. Parliament normally enacts legislation within seven weeks of submission to it of a draft text.

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
1. Law on the Government of the Republic of			Copy attached *
Moldova No. 64-XII, 31.05.90, amended by laws:			
No.582-XII, 17.05.91			
No.584-XII, 20.05.91			
No.588-XII, 22.05.91			
No.589-XII, 23.05.91			
(No.1091/23.07.92; No.1250/23.12.92;			( amendment –
No.1435/20.05.93; No.12/31.03.94;			being translated)
No.37/05.04.94; No.128/27.05.94;			
No.413/29.03.95; No.1086/24.01.97;			
No.24/21.05.98; No.32/28.05.98.			
2. Law on Free Enterprise Zone "Expo -Business-			Copy attached,

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
Chisinau" No. 625-XIII. 03.11.95, amended by 1517-XIII/18.02.98			amendments-being translated
3. Law on and Enterprises and Entrepreneurial activity No. 845-XII, 03.01.92, amended by No.1148/04.08.92; No.159/29.06.94; No.320/13.12.94; No.416/29.03.95; No. 672/28.11.95; No.753/29.02.96; No. 788/26.03.96 No.1167/30.04.97; 1291/22.07.97; No.1322/25.09.97; No.1592/27.02.98; No.183/28.10.98; No.237/23.12.98; No.287/18.02.99.	5;		Copy attached*
4. Law "On Cooperation" No. 864-XII, 16.01.92, amended by: No.788/26.03.96; No.1167/30.04.97 No.1592/27.02.98; N179/28.10.98	;		Copy attached*
5. Law on Privatization Program for 1997-1998 No. 1217, 25.06.97, (amended by No.1566/26.02.98; No.187/06.11.98; No.237/23.12.98; No.239/23.12.98; No.253/24.12.98			Copy attached, amendments being translated
6. Law on Reorganization of the Judicial System No.853. 29.05.96, and amendments contained in: Law No. 1043 dated 17.12.96 and Law No.1550 dated 25.02.98			Being translated
7. Law on Arbitration No. 129-XIII, 31.05.94			Being translated
8. Law on Special Judicial Statute of the Gagauz-Ye No. 344, 23.12.94	ri		Being translated
9. Agreement on organizational basis of social- economic cooperation between the Republic of Moldova and Transnistria, 10.11.97, and Gov. Decision on the implementation of the agreement No. 996, 25 09.98			Agreement attached GD-being translated
10. Article 76 of the Constitution of the Republic of Moldova		Provides that no law, decision or regulation may come into force without prior publication. Laws, decisions	Copy attached*

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
		regulations are currently published in the monthly official journal "Monitorul Oficial al Republicii Moldova".	
11. Budget Law 1999 No. 216-XIV (12.12.98)		Brought VAT and excise tax into compliance with WTO (including as regards trade with Russia and Belarusi)	Copy attached
12.	Draft of the Budget Law for 2000	<ul> <li>a) modifies the fee for customs procedures from ad-valorem to fixed rates based on cost;</li> <li>b) provide financial support for Enquiry Point within DSMTS.(see item 40)</li> <li>This draft Law will be presented to the Government on 1 October 1999, and will become Law before the end of 1999.</li> </ul>	Being translated
13.	Draft Gov. Decision on approval of the Moldovan Goods Classification according Harmonized Commodity Description and Coding System (HS'96) of the WCO.	This documents will be presented to the Government by the end of June 1999 and will be approved by the Government until September 1999.	Being translated
14. Law on Concept of Privatization of the enterprises in the electro-energetic sector No.63-XIV, 25.06.98 (Chapter III) and Gov. Decision creating the National Energy Regulatory Agency No. 767, 11.08.97		Provides for energy use tariff to be calculated on the basis cost and create the Agency to implement the law.	Being translated
15.	Draft Law on Foreign Economic Activity	Was presented to the Government on May 1999, and is expected to be become law before end of 1999.	Being translated
16. Law on Import and Export Regulation of Goods and Services No. 188 26.07.90		This law will be abrogated trough new draft Law on Foreign Economic Activity, mentioned immediately above	

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
17. Decision on Improving the Mechanism of Regulating Foreign Trade (Import Licensing) No. 777, 13.08.97 amended by Gov. Decision No. 76/22.01.98 and by Gov. Decision 716/30.06.98		This Decision replaced the Gov. Decision on Improving the Mechanism of Regulation of Foreign Economic Activity No. 371, 06.06.95  The amendments abolished of the license fee of 0.1 percent, as well as the licensing fee of MDL 200,000 for imports of alcohol or tobacco products	Copy attached
18. Law on Excise Tax No. 347 27.12.94		•	Copy attached*
19. Law on VAT No. 264, 08.11.94, amended by: No.675/05.12.95; No. 1287/22.07.97.			Copy attached* Amendments being translated
20. Gov. Decision No. 305/27.03.97 organizational, juridical and administrative actions against fiscal evasion and embezzlement through import and export of oil and diesel fuel.		Describes Licensing system for petrol and diesel fuel	Being translated
21. Gov. Decision on Regulation of Certain Types of Activity in Moldova, No. 581, 17.08.95		This was abrogated by Gov. Decision on Regulation of Certain Types of Activity in Moldova No. 888, 19.09.97 which, in turn, was abrogated later by the Gov. Decision on Regulation of Certain Types of Activity in Moldova, No. 110, 02.02.98, which, in turn, was replaced by the GD No. 859, 13.08.98 (see immediately below)	
22. Gov. Decision on Regulation of Certain Types of Activity (Licensing) No. 859, 13.08.98 amended by the Gov. Decision No.75, 02.02.99		Licenses issued to persons or companies engaging in certain activities without regard to quantities of goods.	Copy attached
23. Gov. Decision on Regulations on Import Licensing of Alcohol and Tobacco Products No. 1188, 08.12.98.			being translated
24.	Draft amendments to the GD No. 1188, 08.12.98 on Import	The amendment only covers the importing, manufacturing, storing and	being translated

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
	Licensing of Alcohol and Tobacco Products.	marketing of alcoholic beverages. It was presented to Government on 8 April 1999 and they will be approved by end of July 1999.	
25.	Draft Law on Licensing Certain Types of Activity	This draft law provides general regulations on licensing and is in compliance with WTO Agreement on Import Licensing Procedures. This law was approved the Government and currently is in the Parliament and will be enacted before the end of 1999.	Copy attached
A. CUSTOMS LEGISLATION AND REGULATIONS			
26. Law on Customs Tariff No. 1380-XIII, 20.11.97		Provides the methods of customs valuation and rules of origin in compliance with Customs Valuation and Rules of Origin WTO Agreements	Copy attached
27.	Draft amendment to the Law on Customs Tariff No. 1380- XIII, 20.11.97	Additions are being made to the amendments following the comments from WTO member countries. The final version will be presented to the Government for approval in June 1999.	Being translated
28.	Draft Government Decision on Regulation for Implementation of the Law on Customs Tariff No. 1380.	This draft decision contains the provisions for of the implementation of the Decision on Treatment of Interest Charges in the customs value; of the Decision on Valuation of Carrier Media Bearing Software for Data Procession Equipment and of the Interpretative Notes of the Customs Valuation Agreement.	Being translated
29. Law on the Customs Code No. 1321 XII 9.03.93		Superceded (see below)	
30. Law on Amendments to the Customs Code No. 44 - XIII 12.04.94		Superceded (see below)	

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
31.	Draft Law on the Customs Code	This law will replace the Law on Customs Code No. 1321 XII 9.03.93 and its amendments in 1994. It is in the process of review. The final version will be presented to the Government in August 1999 and it will go to the Parliament for a vote before end of 1999.	Being translated
32. Government Decree No.1154, 15/12/97 concerning the optimization of control services activity at state customs, amended by No.168/16.02.98; No.112/02.02.99.			copy attached, amendments being translated.
B. LAW AND REGULATIONS ON STANDARDIZATION	I		
33.	Draft Law on TBT	This law provides for the implementation of TBT agreement provisions.(see checklist on TBT). The draft Law on TBT was presented to Government on May 1999 and will go to the Parliament for a vote by the end of 1999.	Being translated
34. Law on Standardization No.590-XII/ 22.09.95			copy attached*
35.	The amendment to the Law on Standardization No.590-XII/ 22.09.95	The amendment to the Law on Standardization was approved by the Government and currently is in Parliament for a vote.	copy attached
36.	Draft Law on Certification of Goods and Services	The draft Law on Certification of Goods and Services was approved by the Government and currently is in Parliament for a vote.	Being translated
37. Law on Consumer Rights Security No. 1453, 25.05.93		Superceded (see below)	
38.	Draft Law on the Introduction of amendments and supplements in the Law of the	This Draft Law, will be approved in June by the Government and by will be presented to the Parliament for a vote the	copy attached

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
	Republic of Moldova on Consumer Rights Protection	end of 1999.	
39.	Draft Law on Accreditation	The draft Law on Accreditation was circulated to the related institutions for comments and will be presented to Government in August 1999 and will go to the Parliament for a vote by the end of 1999.	Being translated
40.	Draft Law on Industrial Security		Being translated
41. Decision of Department of Standards, Metrology and Technical Supervision on establishing the Information Center for Standardization and Certification.		Called for implementation of Art. 10 of TBT agreement and Annex B of SPS agreement	Being translated
C. SPS RELATED LEGISLATION AND REGULATION:	S		
42. Law on Sanitary and Epidemiological Protection of the Population No. 1513-XII 16.06.93, amended by: No.727/06.02.96; No.788/26.03.96.			Copy attached, amendments being translated.
43. Gov. Decision No 816/12.12.95, on Regulation of Sanitary and Epidemiological Protection of the Population, amended by GD No. 641/25.11.96			Being translated
44.	Draft amendments to the Gov. Decision on Regulation of Sanitary and Epidemiological Protection of the Population No. 816	This draft was elaborated on base of SPS checklist and was submitted to the related ministries and institutions for comments. It will be presented to the Government in August 1999.	Being translated
45. Law on Phytosanitary Quarantine No. 506-XIII 22.06.95			Copy attached
46. Gov. Decision on establishment of State services of Phytosanitary Quarantine, No.697/10.10.95, amended by No. 641/25.11.96; No.515/05.06.97; No.505/15.05.98			Copy attached, amendments being translated

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
47.	Draft amendments to the Gov. Decision on establishment of State services of Phytosanitary Quarantine.	Is under elaboration	Being translated
48. Law on Veterinary activity No. 1539-XII (23.06.93)			Copy attached
49. Gov. Decision on Veterinary Statute of the Republic of Moldova, No. 378, 22.06.98			Copy attached
50.	Draft amendments to Gov. Decision on Veterinary Statute of the Republic of Moldova, No. 378, 22.06.98	Is under elaboration.	Being translated
51. Gov. Decision on preventing the import and illicit commercialization of the chemical and biological products used in agriculture and forestry on the territory of the Republic of Moldova No.740 2.11.95, amended by GD.888/19.09.97			Copy attached*
52. Rules on the protection of the Republic of Moldova territory against the entry or introduction from other countries of quarantined pests, pathogenic agents of plant diseases and weeds			Copy attached
D. LAWS ON FOREIGN INVESTMENT AND COMPETIT	TION POLICIES		
53. Law on Foreign Investments No. 998-XII 1.04.92, amended by No. 321 - XII 16.03.93, No. 92 XIII 11.05.94, No. 197 – XIII 27.07.96,			Copy attached Amendments being translated
54. Law on Monopoly Activities Limitation and Development of Competition No. 906/29.01.92, amended by No.101/13.05.94; No.788/28.03.96			Copy attached*, amendments being translated.
55. Law on Government Procurement No. 1166-XII, 30.05.97			copy attached
56.	Draft Law on Antidumping, Countervailing Measures and	This draft of Law was presented to the Government in June 1999 and will go to	Being translated

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
	Safeguards	the Parliament for a vote by the end of 1999.	
E. TRIPS RELATED LEGISLATION AND REGULAT	ONS		
57. Law on Copyright and Neighboring Rights No. 293-XII 23.11.94. amended by No.29-XIV, 28.05.98 and No.1009/22.10.96		The amendments to the Law on Copyright and Neighboring Rights were elaborated in accordance with the art. 9-14 of the TRIPS Agreement.	Copies attached*
58. Criminal Code Article 141 on Violation of Copyright, Article 512 on Violation of property rights on intellectual property			Being translated
59. Code on Administrative Infringements 60.	Draft law on amendments of Code on Administrative Infringements		Being translated
61. Civil Code			
62.	Draft of new Civil Code: Book IV "Intellectual Property", Chapter I "Copyright and Neighboring Rights"		Being translated
63.	Draft amendments to the Criminal Code	These amendments will be in accordance with the TRIPS Agreement and will be presented to Government on September 1999. After that they will go to the Parliament for a vote by the end of 1999.	Being translated
64.	Draft amendments to the Civil Procedural Code Art. 54 and 140, according to TRIPS Agreement Art. 34 and 50 (paragraph 6).	These amendments will be presented to Government on September 1999 and will become part of the Civil Procedural Code by the end of 1999.	Being translated
65. Law on Audiovisual, amended by No.1399/05.12.97			Being translated
66.	Draft of amendments to Law		Being translated

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
	on Audio-visual Services		
67.	New Draft Law on Publishing	Will be submitted to Government by	Being translated
	Activity	July1999.	
68.	New Draft Law on		Being translated
	organisation and activity of		
	Radio-Television of the		
	Republic of Moldova		
69.	New Draft Gov. Decision on		Being translated
	State Registration of Works		
	protected by the Copyright and		
	Neighboring Rights		
70.	New draft of Gov. Decision on		Being translated
	Regulation of State Agency of		
	Copyright		
71. Gov. Decision on the copyright owner's			Copy attached
remuneration for the use of Copyright and			
Neighboring Rights, No. 713, 23.10.95			
72.	Draft of amendments of the	Was submitted to the Government for	Being translated
	Gov. Decision on the	approval in June 1999 and is expected to	
	copyright owner's	be enacted by the end of 1999.	
	remuneration for the use of		
	Copyright and Neighboring		
	Rights in the RM, No. 713,		
	23.10.95		
73. Gov. Decision on the establishment of a			Copy attached
provisional National Register of Computer			
Software No. 494 17.07.95			
74. Gov. Decision on the administration on a			Copy attached
collective basis of Patrimonial Rights of Holders			
of Neighboring Rights No. 524, 24.07.95			
75. Gov. Decision on the accession to the World			
Convention on Copyright (6 Sep 1952) No. 1318-			
XII 02.03.95			

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
76. Decision on the accession to the Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Companies (Rome 1961) No. 510-XII 22.06.95			11000
77. Decision on the accession to the Bern Convention for the Protection of Literary and Artistic Works (Paris Act 1971) No. 22.06.95			
78.	New Draft Law on the protection of topographies of integrated circuits		Being translated
79. Law of the Republic of Moldova on Patents for Inventions No. 461-XII, 18.051995, amended 788/26.03.96			Copy attached, amendments being translated
80.	Amendments to Law on Patents for invention No.461-XII, 18.05.95.	The draft of amendments was presented to Government on May 1999 and will go to the Parliament for a vote by the end of 1999. These amendments were in accordance with TRIPS Agreement.	Being translated
81. Law of the Republic of Moldova on Trademarks and Appellation of Origins No. 588/22.09.95, amended by No.1009/22.10.98		Under this law the use of a registered geographical indication is prohibited for any person who is not the holder of the registration certificate and if geographical indications are not literally true as to the territory, region or locality in which the goods originate, it may not be registered under this law. This law and GD No 760 (see below) is consistent with Art.23 of the TRIPS. Additionally a special provision for the protection of geographical indications of wine and spirits.	Copy attached, amendments being translated
82.	Draft Amendments to the Law	These amendments will be presented to	Being translated

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
	on Trademarks and Appellation of Origins No.588 (1995)	the Government on September 1999 and will go to the Parliament for a vote on December 1999. The amendments will bring into conformity with TRIPS those parts of No.588 that are not yet in conformity.	
83. Government Decision No. 760, 10.11.95 on production of wine and other wine products with name of origin		Provides a basis for geographical indications for wines and spirits and was adopted in order to implement the Law on Trademarks and Appellation of Origins, No. 588 (1995)	Copy attached
84. Law on Commercial Secrets No. 171, 06.07.94			Copy attached*
85.	Draft of Amendments to the Law on Commercial Secrets No. 171, 06.07.94	Draft of Amendments to the Law is in the process of review and the final versions will be passed by end of 1999. These amendments will be in accordance with the TRIPS Agreement.	Being translated
86. Law On Property No.459/22.01.91, amended by No.154/29.06.94; by No. 788/26.03.96; by No. 237/2312.98			
87. Law on the Protection of Industrial Designs No. 991, 15.10.96			Copy attached
88.	Draft of Amendments to the Law on the Protection of Industrial Designs No. 991, 15.10.96	The draft of Amendments was presented to Government on May 1999 and will go to the Parliament for a vote until the end of 1999. These amendments were in accordance with the TRIPS Agreement.	Copy attached
89. Law on the Protection of Plant Varieties No. 915, 11.07.96			Copy attached
90.	Draft of Amendments to the Law on the Protection of Plant Varieties No. 915, 11.07.96	The draft of amendments was presented to Government on May 1999 and will go to the Parliament for a vote until the end of 1999. These amendments are in	Being translated

Existing Laws, Decrees and Decisions	Draft Laws or Decisions	Comments	Notes
		accordance with the TRIPS Agreement.	
91. Law on vineyard and vine No. 131, 02.07.94			Copy attached
92.	Draft of Amendments to the Law on vineyard and vine No. 131, 02.07.94	Draft of Amendments to the Law are in the process of review and the final versions will be passed by the end of 1999. Modification of these Law Articles 15 and 16 of the law will be in accordance with the Law on Trademarks and Appellation of Origins No.588 (see above) and TRIPS Agreement Article 23.	Being translated
93. GD No. 456 on IPR			Being translated
94. GD. No. 743/31.12.96on Statute of the Agency			Being translated
95. GD.774/13.08.97			Being translated
96. G.D. 313.1.07.93			Being translated
97. Provisional Statute on Industrial Property Protection, No. 456 (1993)			Copy attached*
98.	Draft Law on Utility Models		Copy attached
99.	Draft of Gov. Decision on the special provisions regarding the border measures on Protection Industrial Property	Is elaborated in compliance with Art.51-60 of TRIPS	Copy attached

### Legislation Related to Services

- 100. Law on Banks and Banking Activity No. 601-XII, 12.06.91 (with amendments)\*
- 101. Law On the National Bank of Moldova No. 599, XII, 16.06.93\*
- 102. Law on Financial Institutions No. 550-XIII, 21.07.95\*
- 103. Law on Audit No. 729-XIII, 21.07.95\*
- 104. Law on Rent No. 861, 14.01.92\*
- 105. Law on Employment No. 878-XII, 16.01.92\*
- 106. Law on Accounting No. 321, 25.05.95\*
- 107. Law on Insurance No. 1508-XII, 15.06.93\*
- 108. Law on Legal Status of Foreigners and Persons without Citizenship in the Republic of Moldova No. 276-XIII, 10.11.94\*
- 109. Gov. Decision On Ministry of Telecommunications and Informatics No. 719, 23.09.94\*