

# ***THE LAW ON STATE REGULATION OF EXTERNAL TRADE***

No. 1031 – XIV of 8 June 2000.

The Parliament adopts the present Law.

The present law establishes the legal basis for the State regulation of external trade, its practice by physical and legal persons in Moldova and abroad and the rights, obligations and responsibilities of the public authorities for this issue in the Republic of Moldova.

## ***CHAPTER 1 GENERAL PROVISIONS***

### ***ARTICLE 1 OBJECTIVES OF THE PRESENT LAW***

The objectives of the present Law are:

- to maintain the sovereignty and assure the economic security of the state,
- to stimulate national economic development through the promotion of foreign trade
- and through the creation of favourable conditions for the effective integration of the Moldovan economy into the world economy.

### ***ARTICLE 2 DEFINITIONS***

In light of the present Law, the terms used hereinafter have the following meanings:

**EXTERNAL TRADE** - Activity of which the principal objective is to achieve the circulation of intellectual and material values, formed by a combination of operations and activities, in order to exchange goods, works and services at an international scale.

**EXPORT** - the totality of commercial actions through which goods, works services, as well as the results of intellectual activities, delivered out of the territory of the Republic of Moldova with the transfer of the exclusive rights upon these results. The fact of export is concluded when the goods cross the customs border of the Republic of Moldova, the services are provided and intellectual property rights are transferred.

**IMPORT** - the totality of operations through which goods, services, works as well as the results of intellectual activity, are delivered into Republic of Moldova with the transfer of the exclusive rights upon these results. The fact of import is

concluded at the moment when the goods cross the customs border of the territory of Republic of Moldova.

### **ARTICLE 3   *LEGAL REGULATION OF EXTERNAL TRADE***

(1). The legal basis for the external trade are established by the Moldovan Constitution, by present Law, by other normative acts of the Republic of Moldova, in accordance with the principles and generally accepted international norms and agreements to which the Republic of Moldova is a party.

(2). Where international agreements to which the Republic of Moldova is a party contain provisions different from those listed in the present Law and related normative acts, the provisions of the international agreements take precedent.

### **ARTICLE 4   *STATE POLICY IN THE FIELD OF EXTERNAL TRADE***

(1). State Policy in the field of external trade is achieved through economic and administrative methods, in accordance with the present Law and other normative acts as well as with the International treaties to which the Republic of Moldova is a party.

(2). The relations between the Republic of Moldova and other states in the field of external trade is based on the consideration of the principles and general accepted norms of international law and commitments resulting from the international treaties to which the Republic of Moldova is a party.

(3). With the purpose of economic integration into the global economy, the Republic of Moldova may take part, according to the principles and generally accepted norms of International Law, in International Agreements on customs unions and free trade zones.

### **ARTICLE 5   *BASIC PRINCIPLES FOR STATE REGULATION OF EXTERNAL TRADE***

The basic principles for state regulation of external trade are:

- a. The promotion of unified policy in the field of external trade, as a component part of the foreign policy of the Republic of Moldova;
- b. The centralisation of the state regulation system of external trade and the control over this activity;
- c. The unity of the customs territory of the Republic of Moldova;
- d. The priority of economic measures;
- e. The equality in rights and non-discrimination among persons participating in external trade;

- f. The state protection of legal interests and legal rights, including commercial secrets of participants in external trade.
- g. The freedom of international exchanges. International exchanges can be subjected to certain interdictions and restrictions only where the present law or other normative acts and international treaties to which the Republic of Moldova is a party, expressly so provide.

## ***ARTICLE 6 THE PARTICIPANTS IN EXTERNAL TRADE***

(1). Participants in external trade in the Republic of Moldova are duly registered legal and natural persons, as well as the Republic of Moldova and the local public authorities.

(2). The Republic of Moldova and local public authorities participate in external trade only when so is provided by legislation.

## ***CHAPTER 2***

### ***FUNDAMENTAL PROVISIONS ON THE STATE REGULATION OF EXTERNAL TRADE***

## ***ARTICLE 7 GOVERNMENT ATTRIBUTIONS***

(1). The Government will delegate its authority to a central public administration unit in order to co-ordinate and regulate external trade.

(2). The Government:

- a. provides the promotion of state policy in external trade, passes decisions and regulations;
- b. organises commercial exhibitions, symposia and specialised conferences;
- c. undertakes advertising campaigns and actions to promote the export of goods, works and services;
- d. provides the creation of information systems and some information and consulting services in this field, applying different forms of stimulation to increase the dynamics of external trade;
- e. once in two years submits to the Parliament of the Republic of Moldova for approval, the National programs for the development of external trade;
- f. Protects the economic interests of the Republic of Moldova and of its residents in the domain of external trade;

- g. Establishes quantitative export and import restrictions according to the domestic legislation and International Treaties to which the Republic of Moldova is a party;
- h. Adopts, within its competence, decisions on negotiations and signing of international agreements;
- i. Sets restraints and restrictions on export and/or import, taking into account national interests;
- j. operates other mandates in accordance with the legislation.

## ***ARTICLE 8 METHODS OF STATE REGULATION OF EXTERNAL TRADE***

1. State Policy within the external trade is implemented through the regulation of customs-duty (application of customs duties on import/export), the appropriate introduction of exclusive taxes (special, antidumping, countervailing) and through non tariff regulation (especially by quota and licences) of external trade in accordance with the present Law, other laws and other international agreements to which Moldova is a party. Other external trade regulatory methods are prohibited.

2. The State assures that the measures of protection, restrictions and bans, which are established in the field of external trade are fully justified. At the same time, preference will be given to those protection measures, restrictions and bans which cause minimal prejudice to the external trade of the Republic of Moldova.

3. The legal basis for specific types of external trade, international collaboration within investments, production co-operation, joint entrepreneurial activities, international financial and banking transactions, etc., which are not specified by the present law, are set by the laws and other normative acts in this field, as well as by international agreements to which Moldova is a party.

## ***ARTICLE 9 THE REGULATION OF CUSTOMS DUTY OF EXTERNAL TRADE.***

The customs-duty regulation of external trade is governed by the in force domestic legislation and international agreements to which the Republic of Moldova is a party.

## ***ARTICLE 10 QUANTATIVE RESTRICTIONS ON EXPORT AND IMPORT***

(1). The export from and import into the Republic of Moldova is not normally subjected to quantitative restriction. The Government of the Republic of Moldova may, however, in exceptional cases establish quantitative restrictions on export

or import in accordance with the present law and International Treaties to which the Republic of Moldova is a party.

(2). Quantitative restrictions on export and import come into force not earlier than in 30 days after the publication of the respective Government decisions, unless the decisions state otherwise.

(3). In the case of quantitative restrictions on export and import, quota distribution and issuance of licences is carried out by the authorised public authority according to the present law.

### ***ARTICLE 11 RESTRAINTS AND RESTRICTIONS ON EXPORTS AND/OR IMPORTS***

In accordance with the in force legislation and international agreements to which Moldova is a party, and taking into consideration national interests, the Government may establish interdictions and restrictions on export and/or import of goods, works, services, results of the intellectual activity, paying special attention to:

- a. Respect for public order and traditions;
- b. Protection of life and health of the citizens, flora, and fauna, and general environmental protection;
- c. Cultural, ethnic heritage preservation in the Republic of Moldova;
- d. National state security;
- e. Support for the balance of payments of Republic of Moldova
- f. Support and protection of national producers;
- g. Fulfilment of the international commitments of the Republic of Moldova;

### ***ARTICLE 12 PRE-SHIPMENT INSPECTION***

1. Pre-shipment inspection includes the control of goods' quantity and quality, prices, as well as the verification of customs classification
2. Pre-shipment inspection is carried out by an International Organisation on the territory of country delivering the goods for exports and /or import .
3. The Governments sets the pre-shipment inspection procedures and the nomenclature of the inspected goods

### ***ARTICLE 13 STATE MONOPOLY ON EXPORT AND/OR IMPORT OF SOME TYPES OF GOODS***

1. The lists of certain types of goods for which the import and/or export is under the state monopoly are established by the Government
2. The State monopoly on export and/or import of some categories of goods is accomplished on the basis of export and /or import licences. The appropriate authorised public authority issues licenses.
3. Export and / or import transactions, which infringe state monopoly, are null and void. An authorised public authority is empowered to demand through the legal procedure the recognition of transactions as null and void in accordance with the Civil Code of the Republic of Moldova.

#### ***ARTICLE 14 REQUIREMENTS REFERRING TO THE IMPORTED GOODS***

1. Imported goods must correspond to all technical standards set for pharmaceutical, sanitary, veterinary, phytosanitary and ecological requirements in the Republic of Moldova.
2. The evaluation of conformity with appropriate standards, as well as the certification of imported goods is decided with reference to national legislation, and international treaties to which the Republic of Moldova is a party.
3. Goods concerned as dangerous from a technical, pharmaceutical, sanitary, phytosanitary and ecological point of view are on import, subjected to special control, in accordance with domestic legislation and International Treaties to which the Republic of Moldova is a party.

#### ***ARTICLE 15 IMPORT PROHIBITIONS OF GOODS***

(1) Import of the following goods is prohibited:

- a. Goods which do not meet national standards;
- b. Goods, which are unmarked or are without conformity certificates, issued by the authorised Authority in accordance with national legislation and international treaties to which the Republic of Moldova is a party.
- c. Goods that are unfit for consumption regarded as dangerous.
- d. Defective goods that present a consumer hazard.
- e. Goods which threaten national security, public and veterinary health, or the environment.

2. Imported goods, which infringe the provisions of subsection (1), must be re-exported, processed or destroyed on the basis of an order made under the national legislation. The cost of re-export processing and/or destruction of such goods is a charge on the resident importer.

3. A resident importer has the right to appeal against the decision, setting the charges specified in Paragraph 2 of this Article.

### **CHAPTER 3 SPECIAL KINDS OF EXTERNAL TRADE**

#### **ARTICLE 16 CROSS-BORDER TRADE**

1. Cross-border trade can be concluded between residents of the Republic of Moldova living near the borders of the Country and the residents of an adjacent country with which an appropriate treaty exists. Such cross-border trade is designed to meet local consumption needs.
2. Domestic legislation and international treaties to which the Republic of Moldova is a party establish such cross-border trade and the areas, in which it occurs.

#### **ARTICLE 17 FREE TRADE ZONES**

Special conditions for external economic activity and external commercial trade inside Free Trade Zones are established in conformity with the Law on Free Trade Zones and other normative acts, as well as in conformity with international treaties to which the R. of Moldova is a party.

### **CHAPTER 4**

#### **DEVELOPMENT OF EXTERNAL TRADE**

#### **ARTICLE 18 EXTERNAL TRADE DEVELOPMENT PROGRAMS**

The Government and Local Public Authorities contribute to the development of external trade through the achievement of specific local and national Programs in this field.

#### **Article 19 INFORMATIONAL PROVIDENCE**

1. In order to develop external trade and to increase its efficiency within the territory of the Republic of Moldova, the authorised Public Administration Authority finances a special information system from the state budget and co-ordinated.
2. The Information System described in paragraph (1) provides data on:
  - a. National and foreign legislation in the field of foreign trade,
  - b. Technical regulations, conformity evaluation procedures and certification procedures,
  - c. Residents who have obtained quotas and licenses,
  - d. Companies providing credit services and assurance in the field,
  - e. Customs statistics of the Republic of Moldova,
  - f. Foreign market situation reports for principal groups of goods,
  - g. Lists of goods, whose import and export is limited or prohibited,
  - h. International Treaties to which the Republic of Moldova is a party,



- i. Other aspects of foreign commercial activity.
- 3. The authorised public administration is entitled to charge residents and non-residents for this information.

#### ***ARTICLE 20 FOREIGN TRADE STATISTICS***

1. To facilitate trade statistic comparisons, the Government of the Republic of Moldova,, together with the National Bank of Moldova have set up a co-ordinated system for collecting and processing statistics concerning:
  - a. Foreign trade, on the basis of the state statistic report and customs statistics,
  - b. Balance of payments of the Republic of Moldova, including statistical figures for imports and exports of goods, services capital, securities and credit.
2. The Government of the Republic of Moldova together with National Bank of Moldova annually and quarterly officially publishes the statistical information, indicated in paragraph 2 of the present article.

#### ***ARTICLE 21 BRANCHES AND REPRESENTACES OFF NONRESIDENTS IN THE REPUBLIC OF MOLDOVA***

Non residents have the right to establish branches and representative offices within the territory of the Republic of Moldova in order to conduct external trade on their own behalf, respecting the laws and other normative acts of the republic of Moldova.

### ***CHAPTER 5 INTERSTATE RELATIONS IN EXTERNAL TRADE***

#### ***ARTICLE 22 ENSURING FAVORABLE CONDITIONS FOR ACCESS TO FOREIGN MARKETS***

The Government of the Republic. of Moldova adopts measures directed at creating favourable conditions for its residents to obtain access to the market of other states, initiating bilateral and multilateral negotiations, signing international agreements, participating in the establishment and activity of international bodies and intergovernmental committees, aiming to increase economic and commercial relations between the Republic of Moldova and other countries.

### ***ARTICLE 23 ECONOMIC/COMMERCIAL REPRESENTATIVES OF THE REPUBLIC OF MOLDOVA***

1. The economical/commercial representatives are the state entities, which represent the interests of the Republic of Moldova in different countries within foreign trade and provide their protection.
2. The economical/commercial representatives work on the basis of international agreements signed by the Republic of Moldova with the respective countries
3. The economical/commercial representatives have to provide informational and consultative services to residents of the countries concerned.

### ***ARTICLE 24 COMMERCIAL ECONOMIC REPRESENTATION OF OTHER COUNTRIES IN THE REPUBLIC OF MOLDOVA***

Commercial representative offices of other countries in the Republic of Moldova are established on the basis of international agreements signed between the Republic of Moldova and respective state.

## ***CHAPTER 6***

### ***REGULATION OF EXTERNAL TRADE RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION OF THE REPUBLIC OF MOLDOVA DISPUTE SETTLEMENT***

### ***ARTICLE 25 CONTROL OF EXTERNAL TRADE***

The appropriate public authority exercises control over external trade in order to insure the compliance with the present law, other normative acts and international agreements signed by the Republic of Moldova in order to protect the economical interests of the state and its residents.

### ***ARTICLE 26 RESPONSIBILITY***

Persons infringing the legislation of the Republic of Moldova in the pursuit of external trade bear, upon the case, disciplinary, administrative and criminal responsibility according to the legislation.

#### ***ARTICLE 27 DISPUTE SETTLEMENT***

Disputes between residents and non-residents on the one hand and public administration bodies of the Republic of Moldova on the other hand are settled before the court according to the international law.

### ***CHAPTER 7 RESPONSIBILITY OF THE PARTICIPANTS IN EXTERNAL TRADE***

#### ***ARTICLE 28 STATE RESPONSIBILITIES***

The state as a party to external trade bears responsibility for its obligations within the limits established by the respective international agreements in this field.

#### ***ARTICLE 29 DISTRIBUTION OF RESPONSIBILITIES***

The Republic of Moldova is not responsible for the obligations of other participants in external trade, with the exception of cases provided by the in force legislation, conversely, other party are not responsible for the obligations of the Republic of Moldova.