

GOVERNMENTAL ORDER NO.2  
26 SEPTEMBRIE 2000

**On Preshipment Inspection of Imported Goods**

On the basis of Article 106<sup>1</sup> of the Constitution of the Republic of Moldova and Item (h), Article 1, of the Law Empowering the Government to Issue Executive decrees No. 1211-XIV of July the 31<sup>st</sup>, 2000 (The Official Monitor, 2000, No. 102-105, p. 749), the Government of the Republic of Moldova passes the following executive decree:

Art. 1. To introduce the pre-shipment inspection of goods imported under any customs regulations, including storage of goods at customs warehouses, which inspection takes effect on the 45<sup>th</sup> day from the date when this executive decree comes into force.

Art. 2. To approve the Regulations of Pre-Shipment Inspection of Imported Goods, according to Annex 1.

Art. 3. (1) to establish the Inter-Departmental Commission for Conducting and Monitoring the Pre-Shipment Inspection and approve its membership and statute according to Annexes 2 and 3.

(2) If members of the said commission are relieved of their posts, their functions shall be performed by the persons appointed to those posts.

Art. 4. The pre-shipment inspection is carried out by the company authorized to inspect by the agreement concluded with the Government of the Republic of Moldova.

Art. 5. From the date of instituting the pre-shipment inspection, the customs agencies shall permit to transport imported goods subject to inspection only after the carrier submits a clean report of findings or a written opinion of the company authorized to inspect confirming that the pre-shipment inspection has been carried out in the exporter's country.

Art. 6. The central branch bodies of public administration and the authorized bodies shall set the obligatory requirements and adopt the rules of importation of goods subject to pre-shipment inspection, and, within 10 days from the day of enactment of this executive decree, provide the company authorized to inspect and the Department of Technical Supervision, Standardisation and Metrology with the relevant information about the effective rules and standards (information of subsequently adopted statutes must be provided within 3 days from the date of enactment).

Art. 7. The Ministry of Economy and Reforms, the Ministry of Finance, the Ministry of Industry and Energy, the Department of Technical Supervision, Standardization and Metrology, in cooperation with national competent authorities and the company authorized to carry out the pre-shipment inspection, shall draw up and submit to the Government's approval the Regulations of inspection of imported natural gas and electric power.

Prime Minister of the Republic of Moldova

Dumitru BRAGHIȘ

Countersigned by

Deputy Prime Minister,

Andrei CUCU

Minister of Economy and Reforms

Minister of Finance

Mihail MANOLI

Minister of Justice

Valeria ȘTERBET

Chișinău, September the 26<sup>th</sup>, 2000  
No. 2

REGULATION  
OF PRE-SHIPMENT INSPECTION OF IMPORTED GOODS

I. GENERAL PROVISIONS

The Regulation on Pre-Shipment Inspection (hereinafter called Regulation) is worked out in consideration of the provisions of the Law on Government ability to issue executive orders no. 1211-XIV dated July 31, 2000 and the Law of Government Control of Foreign-Economic Activity No. 1031-XIV dated June 8, 2000 (The Official Monitor, 2000, No. 119-120, p. 838), by which imported goods will have to undergo an inspection in the prevailing country of export prior to their shipment to the Republic of Moldova.

The Pre-Shipment Inspection (PSI) will be carried out by the representation office of the empowered inspection company in the prevailing country of export/supply.

The results of the Pre-Shipment-Inspection will be reported by the empowered company on a Clean Report of Findings which will be made available to the Importer in order to facilitate the import entry clearance at arrival of the goods in the Republic of Moldova.

This Regulation establishes the procedures to be followed by the involved parties (such as importers, banks, Customs of the Republic of Moldova, empowered company) in the import transaction.

II. THE MANDATE OF THE COMPANY EMPOWERED TO IMPLEMENT THE PRESHIPMENT INSPECTION PROGRAMME

1. The Empowered Company

The empowered company to implement Pre-shipment Inspection (hereinafter called the Company), a legal person which concluded with the Government of the Republic of Moldova the Agreement on Pre-Shipment Inspection and Customs Modernisation Services, shall carry out an inspection of all goods to be imported into the Republic of Moldova.

For this purpose the Company shall:

- determine that the goods presented for inspection satisfactorily correspond to the goods description communicated to the Company by the importer in the inspection order;
- provide opinions, for the guidance of Customs, on the value of the imported goods and correct classification, based on the Goods Nomenclature, the national legislation and specific regulations of the Republic of Moldova;
- verify that the goods comply with the prevailing export price in the country of export;
- verify, where applicable, that the goods meet the relevant import prohibitions and restrictions of the Republic of Moldova.

All goods imported (including barter) by physical and legal persons, irrespective of their type of property and organisational-legal structure are subject to Pre-shipment Inspection (hereinafter called PSI), except those specifically exempted as per Article 2 of this Regulation.

For the purpose of the present regulation, the term "imported" and "imported goods" shall refer to all goods introduced into customs territory of the Republic of Moldova under all customs regimes of importation (inclusive of bonded warehouse).

## 2. Exemptions

The following goods to cross the state border of the Republic of Moldova are exempted from the pre-shipment inspection:

- a) Shipments for which the CIP (cost, insurance and price) value is under USD 3000 (three thousand), except for goods imported in full container loads which shall be subject to PSI irrespective of their value. Nevertheless, partial shipments covering goods with lower CIF Value will be subject to the PSI provided that the aggregated value of the shipments is equal to or above USD 3000 (three thousand),
- b) precious stones, precious metals,
- c) objects of art,
- d) explosives and pyrotechnic products,
- e) ammunition, weapons, implements of war,
- f) live animals,
- g) current newspapers and periodicals,
- h) household and personal effects including vehicles,
- i) parcel post or commercial samples,
- j) goods delivered to international organizations under agreements to which the Republic of Moldova is a party. The list of the international organizations is provided in the budget law for the respective year;
- k) goods intended for official use by diplomatic and other similar missions, as well as for personal use or consumption by members of the diplomatic and administrative/attending staff of those missions and family members who reside with them on the basis of reciprocity, as provided for by the Government;
- l) goods imported directly by the producer as raw materials for production, as well as other goods to which, according to the nomenclature of goods of the Republic of Moldova approved by the Government Decree No. 1068 of November 1999, the following tariff items are assigned:

050400000	intestines, bladders, and stomachs of animals (except fish), whole or cut, fresh, cooled, frozen, salted, brined, or smoked;
0904	<i>Piper</i> , <i>Capsicum</i> , and <i>Pimenta</i> fruits: dried, crushed, or ground;
090500000	vanilla;
0906	cinnamon and cinnamon tree flowers;
090700000	cloves (whole fruit, flowers, and pedicles);
0908	nutmeg, mace, and cardamom;
0909	seeds of anise, badian, fennel, coriander, chimion or caraway, juniper berries;
0910	ginger, saffron, turmeric, thyme, bay leaf, curry, and other spices;
1107	malt, either roasted or not;
2505	natural sands of all kinds, including colored sands, except for metalliferous sands of Group 26;
251200000	siliceous fossil meals (rock flour), like kieselguhr, tripoli powder, and diatomite, and similar siliceous meals, either calcined or not, specific gravity 1 or less;
2517	pebbles, gravel, road metal or crushed stone usually used as concrete filling or ballast (stone bedding) for highways or railways or other ballast, also boulders and flint gravel, either heat treated or not; macadam (metaling) of scoria, dross, or similar industrial waste, either including or not the materials specified in the

	first part of the commodity item; asphalted macadam, granules, chips, and powder stone Item 2515 or 2516, either heat treated or not;
2714	natural bitumen and asphalt; shale oil or petroliferous shale and sandy shale; asphaltites and asphalt rocks;
3102	nitrogen mineral or chemical fertilizers;
3104	phosphate mineral or chemical fertilizers;
3104	potash mineral or chemical fertilizers;
3105	mineral or chemical fertilizers containing two or three macronutrients – nitrogen, phosphorus and potassium; other fertilizers; goods of this kind in tablets or similar forms or packages, of which the gross weight does not exceed 10 kg;
350300	gelatin (including rectangular (including square) sheets) either with surface treatment or without it, dyed or undyed) and gelatin derivatives; fish glue, other glues of animal origin, except casein glues Commodity Item 3501;
350510100	dextrins;
440200000	charcoal (including coal made of shells or nuts), either sintered or non-sintered;
4403	lumber: barked or unbarked, roughly squared or unsquared;
4407	lumber: sawed or split lengthwise, surfaced or hulled, hewed or unhewed, polished or unpolished, either having or not a tenon join more than 6 mm thick.
580125000	cotton fabrics with bottom split nap;
580135000	man-made fiber fabrics with bottom split nap;
591132	ready-made or unfinished sito fabric, surface density 650 g/m <sup>3</sup> or more;
591140000	filter fabrics used in presses for oil expression or for similar technical purposes, including fabrics made of human hair;
6001	pile cloths (including long-pile cloths and terry-cloths, tricot, machine-knitted and hand-knitted fabrics;
6402	other machine machine-knitted or hand-knitted fabrics;
6406	parts of footwear (including upper parts with soles attached or unattached, except for exterior soles), loose insoles, heel pads, and similar removable things, gaiters, leggings, or similar things or their pieces;
7208	flat rolled iron or plain steel, 600 mm wide or more, hot-rolled, without electroplate or similar coating;
7209	flat rolled iron or plain steel, 600 mm wide or more, cold-rolled, unclad, without electroplate or similar coating;
7210	flat rolled iron or plain steel, 600 mm wide or more, clad with electroplate or similar coating;
7211	flat rolled iron or plain steel, less than 600 mm, unclad, without electroplate or similar coating;
7212	flat rolled iron or plain steel, less than 600 mm, clad with electroplate or similar coating;
7213	hot-rolled bars of iron or plain steel, loosely coiled;
7214	bars of iron or plain steel without any further treatment, except forging, hot rolling, hot drawing, or hot extrusion, including bars bent after rolling;
7215	other bars of iron or plain steel;
7216	shaped angle-bars and special flanks of iron or plain steel;
7217	iron or plain-steel wire;
7218	corrosion-proof (stainless) steel in ingots or other initial forms; semi-manufactured goods of corrosion-proof (stainless) steel;
7219	flat rolled corrosion-proof (stainless) steel, 600 mm wide or more;
7220	flat rolled corrosion-proof (stainless) steel, less than 600 mm wide;
722100	hot-rolled bars of corrosion-proof (stainless) steel, loosely coiled;
7222	other bars of corrosion-proof (stainless) steel; shaped angle-bars and special flanks of corrosion-proof (stainless) steel;
722300	corrosion-proof (stainless) steel wire;
7224	other kinds of alloyed steel in ingots and other initial forms; semi-manufactured goods of other kinds of alloyed steel;
7225	flat rolled pieces of other kinds of steel, 600 mm wide or more;
7226	flat rolled pieces of other kinds of alloyed steel, less than 600 mm wide;

7227	hot-rolled bars, loosely coiled, of other kinds of alloyed steel;
7228	other bars of alloyed steel; shaped angle-bars and special flanks of strong alloyed steel; hollow bars for drilling made of alloyed or plain steel;
7229	wires of strong alloyed steel;
7317 00	nails, drawing-pins, riffled nails, braces (except Item 8305) and similar goods of ferrous metals, headed or unheaded, of other materials, except for articles with copper heads;
7318	screws, bolts, screw nuts, plugs, screw-in hooks, rivets, dowels, splint pins, washers (including spring washers), and similar pieces of ferrous metals;
7320	springs and their sheets of ferrous metals;
7325	other cast pieces of ferrous metals;
7326	other pieces of ferrous metals;
7407	copper bars and angles-bars;
7409	copper slabs, sheets, and flat bars or bands, more than 0.15 mm thick;
7410	copper foils (bottomless or with a bottom of paper, cardboard, plastic or similar stuff) no more than 0.15 mm thick;
7411	copper tubes and pipes;
7601	untreated aluminum;
761100000	reservoirs, cisterns, tanks, and similar aluminum receptacles for any stuffs (except for compresses or liquefied gas) over 300 lt. in volume, coated or heat-insulated or not, without mechanical or heat-engineering equipment (except for compresses or liquefied gas), less than 300 lt. in volume, coated or heat-insulated or not, without mechanical or heat-engineering equipment;
8001	untreated tin;
8108	tin fabrics and products, including waste products and scrappage;
8202	handsaws (hacksaws); blades for all types of saws (including blades for length cutting, for slot cutting, or toothless saws;
8203	files, broach files, rasp files, pincers (including nippers), pliers, combination pliers, tweezers, forceps, scissors, shears, pipe-cutting devices, bolt-threading shears, mandrels, or similar hand tools;
8207	changeable hand tools, either mechanically-driven or not, or for machines (e.g. for pressing, punching, cutting down, chasing, drilling, boring, piercing, milling, turning, or screwing) including tools for dragging and extrusion of metal, tools for rock or soil drilling;
8208	knives and cutting blades for machines and mechanical appliances;
8214	other cutting tools (e.g. haircut machines, special knives for butchers or special kitchen-knives and cleavers, paper knives); manicure or pedicure sets and tools (including nail files);
841430	compressors used in refrigerating machines;
8419	machines, industrial or laboratory equipment with electric or non-electric heating for processing of materials using temperature changes, such as heating, boiling, roasting, distilling, rectification, pressure cooking, pasteurization, steaming, drying, evaporation, condensation, or cooling, except for household machinery and equipment; inertia-free water heaters or non-electric heat water accumulators;
8428	lifting, carriage, loading or unloading machines or appliances (e.g. elevators, excavators, conveyers, rope-ways), and others;
8432	agricultural, horticultural, or forestry machines for preparation and tillage of soil; rollers for lawns and playgrounds;
8438	equipment for industrial cooking and production of food stuffs or drinks, unless mentioned elsewhere, except for equipment for extraction and making of animal or plant fats or oils;
8452	sewing machines, except for bookbinding and covering machines of Item 8440; furniture, bottoms and coatings specially designed for sewing machines; needles for sewing machines;
8459	metal-cutters (including multi-head machines of lineal construction) for drilling, boring, milling, making external and internal screws by way of metal removal,

	except for turning machines (including multi-purpose turning machines) of Item 8458;
8474	equipment for sorting, rinse, grind, milling, mixing or agitation of soil, stones, ores, or other rock minerals in the solid state (including powder-like and paste-like states); equipment for agglomeration, molding or foundry or solid mineral fuels, ceramic mixtures, non-solidified cement, gypsum stuffs, or other mineral substances in the powder-like or paste-like states; molding machines for making sand molds;
850164000	generators of alternating current (synchronous generators) with the capacity no higher than 650 kW;
850421000	liquid dielectric transformers with the capacity less than 650 kW
850422	liquid dielectric transformers with the capacity over 650 kW but no higher than 10,000 kW;
850431	liquid dielectric transformers with the capacity no higher than 1 kW.

The Government of the Republic of Moldova is entitled to change the list of the goods exempt from pre-shipment inspection at the suggestion of the Commission for Conducting and Monitoring the Pre-Shipment Inspection of Imported Goods.

Goods presented by a foreign country and not classified as the goods specified in Items (j) and (k) are subject to pre-shipment inspection. Under such circumstances, the Company shall not check the price, unless it is demanded by the Government of the Republic of Moldova.

### 3. Importation of Natural Gas and Energy and of Humanitarian aids

The PSI procedures regarding imports of natural gas and energy will be regulated separately.

Importation of humanitarian assistance carried out within the competencies and powers of the ministries, departments and other authorities, are regulated according to current special specifications.

### 4. Essential Obligations

All goods subject to PSI that are not accompanied by a CRF or a written inspection confirmation that goods are inspected by the Company prior to their shipment, shall not be authorised to cross the customs border of the Republic of Moldova.

No importer may effect payment to the credit of any exporter unless the invoice bearing a security label affixed by the Company in respect thereof, is presented together with the documents for negotiation of payment. In case of advance payments, the presence of the invoice bearing a security label may be delayed after the date of payment, but not more than by the repatriation terms prescribed in current legislation of the Republic of Moldova.

All purchase contracts concluded by importers in Moldova with foreign suppliers shall stipulate the requirement for PSI to be performed by the Company in the country of supply in accordance with the inspection procedures detailed in points 7 and 8 of Section 3 below, and a security label must be affixed by the Company on a copy of the exporter's invoice as part of the documents for negotiating payment.

## III. THE INSPECTION PROCEDURES

### 5. Inspection Order: Issuance, Registration and Transmission

The Company shall provide Moldova importers with specially designed forms for Inspection Orders, which will be used for each import transaction subject to PSI. The format and contents of the Inspection Order shall be designed by the Company and introduced to the importers of the Republic of Moldova prior to the commencement of PSI.

The Inspection Order form will be available at the Company Liaison Office in Chisinau. For each import transaction subject to PSI, the importer shall apply for inspection immediately after confirmation of his buying order to the seller. For this purpose, the importer shall fill in an Inspection Order, present or transmit this directly to the Company Liaison Office in Chisinau together with a copy of the contract or pro-forma invoice or any other equivalent document showing contract conditions and specifications.

The Company Liaison Office in Chisinau will check the completeness and accuracy of the Inspection Order. Should there be a need to clarify any issue, the Company Liaison Office will do so immediately and directly with the importer. The Company Liaison Office shall register the Inspection Order on the spot or within a maximum of one day of the importer's application and will confirm this to the importer in writing. The process of registration will include the issuance of an identification number for an import transaction that will become the reference number for any processing and inquiries related to it.

The Inspection Order will then be transmitted by the Company Liaison Office to the Company affiliate in the country of export by Electronic Data Transmission (hereinafter called EDT). The Company Liaison Office will also transmit by EDT all data concerning the Inspection Orders to the Department of Customs Control of the Republic of Moldova.

Upon seller's request, the Company is allowed at its discretion to perform PSI prior to presentation of the Inspection Order. However, this intervention will only result into the issuance of a CRF or inspection confirmation by the Company after the inspection order has been provided to the Company.

## 6. Inspection Fees

The inspection fees are 0.96 % (zero point ninety six per cent) *ad valorem* of the CIP (upon NBM suggestion) value of the goods inspected as declared in the exporter's final invoice and indicated in the Clean Report Findings (hereinafter called CRF) or Discrepancy Report, net of any taxes or withholdings, but not less than the equivalent of USD 275 (two hundred seventy five).

At the time of application for an Inspection Order, the importer shall pay the Company's fees on the basis of the exporter's pro-forma invoice. The reference of the payment shall be indicated on the Inspection Order application. Importers may also perform global payments covering several Inspection Order applications.

The billing of the Company's service fee shall be based on the CIP amount of the exporters final invoice. Only in absence of the final invoice the pro-forma invoice will remain the basis for computation of the Company's service fee.

Any adjustments to inspection fees which may become necessary after the inspection and the receipt of the exporter's final invoice shall be settled by the importer before the release of the CRF or Discrepancy Report. The Company shall issue invoices and/or regular statements of accounts to importers.

The importer may pay the fees at his option both in freely convertible currencies and / or Moldova Lei at the National Bank of Moldova foreign official exchange rate at the time of the payment of the fees. Such payments shall be made on the Company's account opened at the Moldovan banks. The Company fees are made in advance and are not refundable after the inspection of goods, regardless of whether the exporter or importer does not provide the

information or documents necessary for the issuance of a CRF or, for any reason, does not proceed with the shipment of the goods.

## 7. Request for Information to Exporters

Upon receipt of the Inspection Order, the Company affiliate in the country of supply will advise the exporter of the pending inspection by means of a Request for Information (hereinafter called RFI) form, which will require the exporter to present relevant documentation and to advise the date on which the goods will be available for inspection. Notwithstanding receipt of such notification, the seller is, in any event, required to request for inspection by giving the Company at least 3 working days advance notice of the date on which the goods will be ready.

## 8. Facilities required from the Exporter

When requesting the Company's intervention, the seller is required to provide the company with the following documents:

- a) Completed RFI form
- b) Pro forma invoice, copy of L/C and of contract where applicable
- c) Packing List
- d) any document which the company may deem necessary for the execution of its mandate.

The seller shall provide all necessary facilities and documents so that the Company can perform inspection, price verification and other related services and conduct such tests as may be required.

The seller shall also make the necessary arrangements for handling, presentation, sampling, shop testing and similar. Any expenses thereof shall be for account of the seller.

In the event that, based on the seller's request, the Company attends for inspection on the agreed date but the goods are not ready/available for inspection, the costs incurred by the Company for the abortive inspection visit shall be for the account of the seller.

The intervention of the Company does not relieve the seller of his contractual obligations to the importer.

## 9. Inspection of Goods

The Company affiliate office in the country of supply shall inspect the goods in order to determine on the data stipulated in Article 1.

### A. Inspection Scheduling

Upon receipt of the RFI from the exporter advising the date on which the goods will be available for inspection, the Company affiliate office in the country of supply will schedule the inspection.

The Company affiliate office will start the inspection on the latest of either the date mutually agreed with the exporter or 3 working days after receiving a duly completed RFI from the seller/supplier.

In accordance with Article 2.15 of the WTO Agreement on Pre-shipment Inspection, the Company affiliate office shall carry out the inspection, where applicable, on the date mutually agreed. An exception is where the Company affiliate office is prevented from carrying out the inspection by either the exporter or by another reason outside of its control.

### B. Product Identification



The Company affiliate office shall carry out the identification of the goods by determining upon the crucial characteristics for establishing the correct customs classification code and valuation of the goods in question.

#### C. Quantity Verification

The Company affiliate office will determine the quantity of the goods by counting, weighing, measuring, or any other appropriate means of quantity assessment. Recognised statistical sampling techniques will be used where appropriate.

#### D. Quality Verification

The Company affiliate office shall verify the quality by visual checks, drawing of samples, review of manufacturer's or independent test/laboratory analysis certificates, or any other appropriate means of quality assessment. The Company may also, where appropriate, submit samples to a Company laboratory for analysis or testing. Recognised statistical sampling techniques will be used where appropriate.

The Company shall verify the expiry dates and remaining shelf life of foodstuffs, pharmaceuticals, parapharmaceuticals, fertilisers, pesticides, soil improvers and similar commodities according to relevant legislation in force of the Republic of Moldova as will be specified in each case by the Government. Remaining shelf life and the information about the product shall comply to relevant regulations in force of the Republic of Moldova.

#### E. Special Products

The Company's intervention shall be limited to a quantitative identification and checking the batch numbers, remaining shelf life, packing and presence of the information about the product of pharmaceuticals, parapharmaceuticals of human use, cosmetics, dyestuffs, paints, crop protection and treatment chemicals, fertilisers, pesticides, soil improvers and similar commodities.

Goods introduced into the customs territory for Lohn processing and re-export of the finished goods produced from them shall be subject to PSI except their price verification.

#### F. Quality assurance inspection

The Company may use a quality assurance methodology for those exporters and goods satisfying criteria to be published and notified to the Committee for Implementation and Monitoring of the PSI in advance of implementation. Exporters and goods qualifying for quality assurance inspection, shall be initially subject to on-site quality assurance audits by the Company, after which the inspection will consist of :

- a) Physical inspection of selected shipments in conformance with internationally accepted sampling standards; and
- b) Systematic documentary review of all shipments.

#### G. Inspection Results

After completion of the inspection, the Company affiliate office in the country of supply will advise the results to the exporter.

#### 10. Price Verification

Based on the inspection of goods and obtainable information, the Company shall give its opinion on:

(a) the value of the goods for Customs purposes based on the requirements of the Agreement on Implementation of Article VII of GATT 1994 (commonly known as the "Agreement on Customs Valuation" or "ACV"), as provided by the national legislation or administrative regulations of the Republic of Moldova. the Company shall use the date of the contract, or in the absence of a contract, the date of the pro-forma invoice as the reference date.

(b) the export price for such goods generally prevailing in the country of supply, or where applicable, the world market. This shall not be limited to the purchase price of the goods, but shall cover the total contracted value of the goods, including all related services.

#### 11. Customs Classification

On the basis of the inspection of goods, the Company shall give its opinion on the appropriate customs classification of the goods in accordance with the Goods Nomenclature of the Republic of Moldova.

#### 12. Determination of rates

The Company shall give its opinion on the appropriate tariff rates (including excise) as well as on other taxes or levies chargeable in accordance with the applicable regulations in force in the Republic of Moldova.

#### 13. Import Eligibility

Based on the inspection of the goods the Company shall verify whether such goods are subject to relevant import prohibitions and restrictions of the Republic of Moldova specified in each case by the Government.

#### 14. Clean Report of Findings (CRF), Security Label and Discrepancy Report

Upon completion of the inspection the Company shall issue either:

A Clean Report of Findings (CRF) to the importer for customs clearance purposes, and;  
A Security Label for payment purposes. The Security label shall be affixed by the Company to the exporters final invoice or one of the original copies

or

A Discrepancy Report to the exporters and importers.

#### 15. Significance of CRF Data

The CRF does not relieve exporters, importers and forwarding agents from their contractual obligations, nor from their obligations under Customs laws and other applicable import regulations of the Republic of Moldova.

Consequently, importers remain fully responsible for the truth and accuracy of the import declaration presented to Customs, regardless of the CRF data.

The CRF data are for consultative use of the Customs offices of the Republic of Moldova, in accordance with point 20 below, to facilitate assessment of duties and taxes payable.

## 16. Issuance of CRF and of Security Label

The CRF will be printed and promptly made available to the importers by the Company's Liaison Office in Chisinau based upon receipt of:

- (a) a satisfactory result of the Company inspection;
- (b) a copy of the exporter's final commercial invoice (where not already made available by the exporter) and of the transport documents from the importer;
- (c) where applicable, documentation or information from the importer related to applicable duty exemptions or special customs regimes.

The importer will be issued one original CRF necessary for customs clearance purposes and one copy for his files.

The Company shall also transmit a CRF hard- and/or electronic copy to the Department Customs Control.

The Security Label shall be affixed to the exporter's final invoice and made available to the exporter by the Company's affiliates abroad based upon receipt of:

- a) a satisfactory result of the Company inspection;
- b) a copy of the exporter's final commercial invoice.

The exporter shall join the final invoice or one of its original copies with the affixed Security Label with the other documents necessary for process of payment of the goods.

## 17. CRF Format and Contents

The following elements will be included in the CRF:

- Transaction information:
  - a) Name and identification numbers of parties involved (exporter, importer)
  - b) Date and Place of issuance of CRF
  - c) Payment Mode (e.g. letter of credit, collection, bank transfer) and Number of L/C, if necessary
  - d) Shipment Invoice Number and Date of the Shipment invoice
  - e) Contract number and date, Annexes numbers and dates, if available
  - f) Incoterms
  - g) Total invoice and currency of invoice
  - h) Shipping details
  - i) Delivery place,
  - j) etc.
- Goods details:
  - a) Description of goods
  - b) Packaging information (bulk, container, etc.)
  - c) Descriptive unit (number, Kg, Litre, etc.),
  - d) Quantity,
  - e) etc.

- Specific trade information for the Department for Customs Control of the Republic of Moldova:
  - a) Code of the goods according to the goods nomenclature in force in the Republic of Moldova,
  - b) Applicable customs duty, VAT and Excise tax (applicable rates and amounts),
  - c) Total dutiable value,
  - d) etc.

The CRF format and contents will be designed by the Company and introduced to the importers of the Republic of Moldova prior to the commencement of PSI.

#### 18. Discrepancy Report

Whenever the Company inspection and/or price verification establishes a discrepancy that is neither corrected by the exporters nor accepted in writing by the importers, the Company will issue a Discrepancy Report. A copy of this Discrepancy Report will be issued to the importer and an advice copy will be provided directly to Customs.

Goods accompanied by a Discrepancy Report will not be authorised to cross the customs border of the Republic of Moldova nor will any payment in respect of such goods be authorised. Where the exporters correct or the importers accept the discrepancy in writing the Company may issue a CRF and Security Label replacing the Discrepancy Report.

#### 19. Procedures on Arrival of Goods

For goods subject to PSI, the formalities on arrival of goods shall be the following :

The CRF in original shall be presented by the importer to Customs simultaneously with the Customs declaration, which shall mandatory indicate the CRF reference number.

By exception, for imports by road from neighbouring countries only, customs clearance may be allowed upon presentation of a written confirmation issued by the Company advising that the goods were submitted to PSI. The Company shall communicate to Customs the authorised format and signatures for such written confirmation. In such cases an original CRF shall still be presented by the importer to Customs within 15 days of customs clearance.

Customs shall check the completeness of documents, the general correspondence between the documentation and the goods. Customs will then assess duties and taxes payable using the CRF data as a guidance basis for such assessment. The CRF original shall be retained by Customs for the archive.

Customs declarations not accompanied with a CRF or the Inspection Confirmation in original and/or not indicating the CRF / Inspection confirmation reference number shall be rejected.

### IV Co-ordination between the Company and the Department of Customs Control

#### 20. Co-ordination on applicability of CRF data

Customs shall use the data of the CRF to facilitate their assessment of customs value, import duties and taxes payable. Whenever the Customs determine that such data are inapplicable, they shall refer the matter to the Company for clarification purposes. The Company shall

subsequently report to the Director General of Customs who will take a final decision with regard to the assessment and advise the Company.

## 21. Reconciliation between CRF data and Import Declaration data

For the purpose of reconciliation of the CRF data versus Import Declaration the Company shall transmit a hard and/or electronic copy of all Inspection Orders and CRFs issued to Customs. Reversely, upon clearance of goods, a hard and/or electronic copy of all Import Declarations registered, regardless of whether or not such import declarations relate to goods subject to PSI, will be provided to the Company by Customs. The Company shall undertake a reconciliation between CRF and Import declaration data to identify discrepancies, unused CRFs and irregular clearance without CRF. The results of the reconciliation shall be forwarded to the Department of Customs Control for investigation purposes and to the Technical Co-ordination Committee mentioned under point 28 for appropriate follow-up.

## V Confidentiality

### 22 Protection of Confidential Information

The Company shall treat all information received in the course of Pre-shipment Inspection as confidential business provided that such information is not already published, generally available to third parties, or otherwise in the public domain. The Company shall not divulge confidential business information to any third party except that the Company may share this information with Governmental authorities or the National Bank of Moldova in accordance with the provisions of the WTO Agreement on Pre-shipment Inspection.

## VI Liability

### 23 Non-compliance with PSI

Persons resident of the Republic of Moldova that violate the provisions of this Regulation are liable to the current legislation in force. The responsibility of the empowered company is provided in the Agreement concluded with the Government of the Republic of Moldova

## VII Appeals

### 24 Disputes with the Company

Importers in disagreement with the Company findings as per a CRF or Discrepancy report, may inquire on such issue with the Company Liaison Office. In case the Company's explanations do not satisfy the importers expectations, then the importer may elevate his request to an appeals panel for proper evaluation of such request and thorough examination of evidences presented by either party involved.

### 25 The Appeals panel

The appeals panel shall be a body empowered to solve equally and timely the claims related to PSI. It shall facilitate the proceedings and secure a timely and transparent decision making. It shall comprise representatives of the Ministry of Economy and Reforms, the Ministry of Finance, Ministry of Justice, the Department of Customs Control, the Department of Technical

Supervision, Standardisation and Metrology, the Private Sector and the Company. The Company representative shall participate in the panel as a non-voting member.

The personal composition of the Appeals panel shall be approved by the Implementation and Monitoring Committee for Pre-shipment inspection.

The chairman of this Committee may invite the representatives of any governmental institutions considered indispensable for decision-taking.

## 26 Principles of Appeals procedures

Appeals shall only be registered when such relate to the Company's findings as given in a CRF or Discrepancy report or to a claim for breach of confidentiality by the Company.

All recourses concerning final Customs assessments or decisions shall not be handled by the Appeals panel.

While an appeal is being reviewed an importer may apply to the Customs to have the subject shipment released against a deposit or bank and other guarantees.

The Appeals panel shall decide on any dispute raised with regards to the Company findings based on evidence presented. Such decision shall either support the Company findings or the importers position or consider the panel's own independent opinion.

Decisions shall be taken on basis of a majority vote. Decisions of the Appeal panel on the CRF data shall be binding for both the Company and Customs.

Whether the decision of the appeals panel does not satisfy the importers, they may appeal to court.

The Appeals panel shall meet at least twice a month, unless no appeal cases are pending for review and minutes of meetings shall be archived.

Importers may appeal in writing or attend the hearings of the appeals panel. In either case, evidence in form of documents supporting the importers position shall be presented upon request from the appeals panel. The Company shall as well provide supporting evidence, when so required by the panel.

The Appeal panel shall submit its additional rules of operations for approval to the Implementation and Monitoring Committee on Pre-shipment Inspection.

## VIII TECHNICAL CO-ORDINATION

### 27 The Technical Co-ordination Committee

A Technical Co-ordination Committee (TCC) comprising representatives of the Ministry of Economy and Reforms, the Department of Customs Control, the Department of Technical Supervision, Standardisation and Certification and the Company will co-ordinate the technical work of the pre-shipment inspection programme.

The personal composition of the Technical Co-ordination Committee shall be approved by the Government Committee for Implementation and Monitoring of the PSI.

The Technical Co-ordination Committee shall:

- a) Review the monthly reports by the Company;
- b) Follow-up cases of anomalies reported by the Company;
- c) Submit where applicable, recommendations for an enhanced implementation of the Programme.

PERSONAL COMPOSITION  
of the Committee for Implementation and Monitoring  
of Pre-shipment Inspection of Imported Goods

- |                |  |
|----------------|--|
| Andrei CUCU    | - Deputy Prime Minister, Minister of Economy and Reforms (Chairman of the Committee)     |
| Mihail MANOLI  | - Minister of Finance (Deputy Chairman of the Committee)                                 |
| Georgeta MINCU | - Chairman of WTO Division (ministry of Economy and Reforms); Secretary of the Committee |

MEMBERS OF THE COMMITTEE

- |                        |   |
|------------------------|---|
| Afanasie SMOCHIN       | Minister of transport and telecommunications                            |
| Veronica BACALU        | - Vice President of the National Bank of Moldova                        |
| Gheorghe GABERI        | - Deputy Minister of Economy and Reforms                                |
| Constantin SIRGHI      | - Deputy Minister of of Agriculture and Processing Industry             |
| Ion RUSU               | - Deputy Minister of Industry and Trade Health                          |
| Galina CHIRINCIUC      | - Deputy Minister of Justice  |
| Ion BAHNAREL           | - Deputy Minister of Health   |
| Alexandru JOLONDCOVSKI | - Deputy Minister of Environment  |
| Andrei STRATAN         | - General Director, State Customs Department of the Ministry of Finance |
| Marcel RADUCAN         | - General Director, Moldovastandard                                     |



**REGULATION**  
**on the Committee for Implementation and Monitoring of the Pre-shipment Inspection of Imported Goods**

1. The Committee for Implementation and Monitoring of Pre-shipment Inspection of Imported Goods (hereinafter "the Committee") is the Government Authority in charge of implementation of the Pre-shipment inspection and monitoring of its execution.
2. The Committee activity abides the Constitution of the Republic of Moldova, Decrees of the President of the Republic of Moldova, Decisions of the Parliament and of the Government of the Republic of Moldova and the present Regulation.
3. The main objective of the Committee is the co-ordination and audit of the performance of contractual parties involved in execution of pre-shipment inspection.
4. The Committee members are the managers of the respective authorities that are empowered to involve (to co-opt) the appropriate experts from subordinating services in the activity of the Committee.
5. The Committee has the following functions:
  - approval and publication of the action plan in the field of pre-shipment inspection program;
  - approval of the personal composition of the Appeals Panel;
  - approval of the operation procedures of the Appeals Panel;
  - approval of the personal composition of the Technical Co-ordination Committee;
  - examination of the reports of the Technical Co-ordination Committee;
  - reviewing, adoption the forms and the content of the documents and presentation for approval to the Ministry of Finance;
  - Organisation of the conferences, seminars, consultations and meetings on issues related to pre-shipment inspection;
  - Monitoring of the discrepancies reported to the Government by the pre-shipment inspection company (hereinafter "the Company"), economic agents or other concerned organisations.
6. The Committee reviews and supervise the forms and the content of the concerned documents and sends them for approval to the Ministry of Finance.
7. The Committee holds its meeting quarterly or more frequently if needed. The Secretary of the Committee is responsible for organisation of the meetings and preparation of the working documents for meetings of the Committee. SGS representative is invited to attend the meeting of the Committee.