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WTO TRADE FACILITATION AGREEMENT MOLDOVA SELF-ASSESSMENT OF NEEDS AND PRIORITIES

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I. Introduction

Purposes

On December 7, 2013, World Trade Organization (WTO) members concluded negotiations on a new agreement on trade facilitation (*hereinafter*, WTO TF Agreement).

Section II of the WTO TF Agreement allows developing and least-developed country WTO members to implement the technical measures of the agreement based on a timetable that the country determines for itself, and allows these members to designate those technical measures that it cannot implement without technical assistance and capacity building support.

To take advantage of these provisions, the WTO TF Agreement requires Moldova to assign each of the approximately 36 technical measures of the agreement to one of three categories, namely:

- **Category A** – measures that Moldova will implement on or before the date of entry into force of the agreement;
- **Category B** – measures that Moldova will implement within a period of delay following entry into force of the agreement (and Moldova must also indicate the delay period); and
- **Category C** – measures that Moldova cannot implement without additional time and technical assistance and capacity building support.

The agreement requires that Moldova to notify its categories to a WTO trade facilitation committee within certain deadlines.

To assist Moldova in assigning categories and preparing these notifications, the USAID/BRITE Project assisted the government of Moldova assess its current compliance and implementation needs in relation to each of the technical measures of the agreement.

The purpose of this document is to report the results of that self-assessment.

Methodology

The WTO TF Agreement self-assessment was conducted over a two-week period at the end of June 2014. At a “kick-off” meeting the consultant presented an overview of the WTO TF Agreement and the self-assessment process to the relevant public and private sector stakeholders. These stakeholders included representatives from the Ministry of Economy, Customs Service, Ministry of Finance, National Agency for Food Safety (ANSA), Border Police, and chambers of commerce.

The consultant conducted interviews of individual public and private sector and reviewed relevant legal acts and prior assessments by technical experts from USAID/BRITE and other organizations. Following those interviews, the draft results were reviewed and validated by stakeholders as a group over a two-day period.

The general approach used by the consultant to capture the self-assessment results is that defined by the WTO Secretariat (see WTO Technical Assistance Program for National Self-Assessments of Trade Facilitation Needs and Priorities, at www.wto.org/english/tratop_e/tradfa_e/ta_capac_build_negoti_e.htm#1)

What this document contains

This report contains the following:

- **[Section II - Proposed Notification of Category A Commitments](#)**

This is a proposed notification of Moldova's Category A commitments. This is based on the consultant's evaluation and does not necessarily reflect the views of the stakeholders (the assignment of categories was NOT discussed in detail during the course of the self-assessment). It is provided for guidance only to assist the government in classifying the measures.

Under this proposed notification, Moldova commits to implementing 18 technical measures (of a total of 36) of the WT TF Agreement by the date of entry into force.

The notification will be addressed to the WTO "Preparatory Committee" that was established under the December 2013 Bali Ministerial declaration.

The WTO TF Agreement does not specify any particular format for the notification. The proposed notification is modeled on notifications that were recently made by China and Nicaragua.

- **[Section III - Proposed Category A Commitments - Explanation](#)**

In this table, an explanation is given for classifying the 18 technical measures under Category A.

The government of Moldova has previously made commitments to implement certain trade facilitation measures that are identical or closely similar to a significant number of the WTO TF Agreement measures. These prior commitments can be found in the following legal acts–

- EU Association Agreement,
- Government's Regulatory Reform Strategy and Action Plan (2013-2020),
- Roadmap for Increasing the Competitiveness of the Republic of Moldova (Governmental Decision No. 4 of 14.01.2014)(hereinafter "Competitiveness Roadmap").

For convenience, we have indicated in the table below whether or not the WTO TF Agreement measure can also be found in one these prior legal acts.

In addition, a time frame is specified for implementation of certain of these measures in these prior legal acts. To assist the government set its time frame for implementation of the WTO TF measures, we have included in the detailed assessment results of each WTO TF measure a cross reference to the relevant legal act and implementation deadline (if any).

- [**Section IV - Moldova's Self Assessment – Summary of Results**](#)

This is an overview of the self-assessment results, using the WTO Secretariat templates.

- [**Section V –Moldova's Self Assessment – Detailed Results**](#)

These are the detailed results of the assessment, measure by measure, using the WTO Secretariat template and methodology.

Next Steps

Deadlines

The deadline for submission of the Category A notification is not expressly stated in the agreement. The text of the agreement provides only that developing country members are required to implement their Category A notifications as of the date of entry into force of the agreement. However, the December 2013 Bali Ministerial Decision provides for the creation of a Preparatory Committee to receive Category A notifications (among other functions), and it sets a deadline of July 31, 2014 for the WTO General Council to meet to annex to the agreement the Category A notifications received by that Preparatory Committee. This language from the Ministerial Decision is understood by certain WTO members to intend a deadline for submission of Category A notifications by the end of July 2014.

Immediate Actions

The Ministry of Economy will take the lead in coordinating the submission of the notifications to the WTO. We recommend that the Ministry take the following next steps:

1. Review with the relevant stakeholders the final results of the self-assessment and make any necessary corrections.

It would be particularly important to ensure that ANSA representatives agree with the conclusions with respect to those measures that affect their activities. These representatives may not have had the opportunity to review thoroughly the measures and results within the period given for the self-assessment, and trade facilitation measures generally may be less familiar to ANSA than to their Customs counterparts. The measures that should be reviewed by ANSA are:

- Article 5, paragraph 1 – Notification for enhanced controls or inspections
- Article 5, paragraph 2 – Detention
- Article 5, paragraph 3- Test Procedures
- Article 7, paragraph 9- Perishable Goods
- Article 10, paragraph 1 –Formalities and Documentation Requirements
- Article 10, paragraph 8 – Rejected Goods

2. Review and validate with all relevant stakeholders the proposed Category A measures.

Note that certain measures are proposed to be placed in Category A even though stakeholders stated that there was need for technical or other support to improve implementation. These are

nevertheless suggested for Category A because Moldova appears to meet the minimum WTO obligations.

3. *Finalize and make the Category A notification to the WTO Preparatory Committee*

Other Actions

The proposed Category B and C notifications should be reviewed and corrected. The deadline for submission of the initial Category B and C notifications is the date of entry into force of the agreement.

As mentioned above, Moldova would likely want to align implementation periods of the category B and C measures with its prior commitments under the EU Association Agreement or national legislation.

II. Proposed Notification of Category A Commitments

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN/(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as “the Preparatory Committee”) shall, *inter alia*, receive Members’ notification of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as “the Agreement”).

With reference to the above, the Government of the Republic of Moldova has the honor to notify the Preparatory Committee that Moldova hereby designates the following provisions in Section I of the Agreement as Category A commitments:

- Paragraph 1 of Article 1
- Paragraph 4 of Article 1
- Article 3
- Article 4
- Paragraph 2 of Article 5
- Paragraph 2 of Article 6
- Paragraph 2 of Article 7
- Paragraph 4 of Article 7
- Paragraph 5 of Article 7
- Article 8
- Article 9
- Paragraph 3 of Article 10
- Paragraphs 5 to 9 of Article 10, inclusive, and
- Article 12*.

*As noted in the table below, placement of Article 12 under Category A is subject to validation by the Customs Service.

III. Proposed Category A Commitments – Explanation

Explanatory Note: The columns “EU Association Agreement,” “Regulatory Reform Strategy 2013-2020,” and “Competitiveness Roadmap” indicate whether a measure that is identical or a closely similar to the WTO TF Agreement is explicitly mentioned in the EU Association Agreement or those national strategy documents. The EU Association Agreement includes more general obligations that require Moldova to align its legislation to the EU legislation; that general obligation is not taken into account in this table.

In Section V of this document (Moldova Self Assessment – Detailed Results) you will find the relevant reference and excerpted text of the EU Agreement or national strategy document that corresponds to the WTO TF Agreement measure.

Nr.	Measure	Proposed Category	Explanation	EU Association Agreement	Regulatory Reform Strategy 2013-2020	Competitiveness Roadmap
1.1	Publication	A	There are some discrepancies but these would seem to be resolvable by the time of entry into force of the WTO agreement. Stakeholders recommended improvements in government presentation of trade information via internet; these actions and technical assistance support can and should be taken into consideration in connection with implementation of Articles 1.2 (Information Available Through Internet).	Yes	No	No
1.2	Information Available Through Internet	B or C	Customs and other border agency websites publish some but not complete practical information on the internet. Stakeholders also indicated that technical assistance/funding support may be required.	No	No	Yes
1.3	Enquiry Points	B or C	Customs, ANSA, Border Police operate call centers today but stakeholders indicated preference for a single national enquiry point. Stakeholders also noted need for information technology and communications support.	No	No	No
1.4	Notification	A	This requires MoE to make the certain notifications to the WTO Secretariat. We have assumed that no delay or technical assistance support is required.	No	No	No

Nr.	Measure	Proposed Category	Explanation	EU Association Agreement	Regulatory Reform Strategy 2013-2020	Competitiveness Roadmap
2.1	Opportunity to Comment and Information before Entry into Force	B	Current legislation does not require publication of laws and regulations a reasonable period prior to entry into force	Yes	No	Yes
2.2	Consultations	B or C	Customs and Border Police have established formal mechanism for regular consultations with stakeholders, but such do not yet appear to be established by ANSA. Stakeholders also noted a need for support to maintain these activities.	Yes	Yes	Yes
3	Advance Rulings	A	Customs complies with minimum WTO agreement requirements; stakeholders indicated that improvements can be made in implementation and suggested that consideration be given to extend the scope of rulings to valuation and other matters. In addition, IT and training needs were identified as necessary to improve the tariff classification rulings program.	Yes	No	No
4	Right to Appeal or Review	A	Customs stakeholders state that they fully comply with this measure; private sector stakeholders recommended certain improvements.	Yes	No	Yes
5.1	Notifications for enhanced controls or inspections	C	Although not noted by any stakeholder, the EU Association agreement appears to require that Moldova implement a NRASFF. ANSA will likely require technical assistance to develop the necessary procedures to operate a WTO-compliant system. This should be validated by ANSA.	Yes	No	No
5.2	Detention	A	According to stakeholders, Moldova meets these requirements, although written, formal published procedures have not been established.	No	No	No

Nr.	Measure	Proposed Category	Explanation	EU Association Agreement	Regulatory Reform Strategy 2013-2020	Competitiveness Roadmap
5.3	Test Procedures	B or C	Right of importer to request a second test does not exist in legislation or formal procedures	No	No	No
6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation	B	Moldova's legislation does not require fees to be published in advance or required that reasons for such fees be published.	Yes	No	Yes
6.2	Specific Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation	A	Under its commitments to EU, Moldova will fully conform as of January 1, 2015.	Yes	No	Yes
6.3	Penalty Disciplines	B or C	Stakeholders identified changes required in legislation and procedures (particularly, development of guidelines for Customs assessment of appropriate penalty amounts), and indicated a need for technical assistance in making those changes.	Yes	No	No
7.1	Pre-arrival Processing	B or C	Stakeholders identified changes required both in legislation and IT to implement this procedure.	No	No	No
7.2	Electronic Payment	A	No gaps identified by stakeholders	No	Yes	Yes

Nr.	Measure	Proposed Category	Explanation	EU Association Agreement	Regulatory Reform Strategy 2013-2020	Competitiveness Roadmap
7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges	B	Implementation of this WTO measure is generally dependent upon change in government policy that now requires payment of duty and tax in advance and limits the use of duty/tax deferral.	No	Yes	Yes
7.4	Risk Management	A	Customs complies with the minimum requirements of the WTO TF Agreement; however, stakeholders noted need for IT support, training, and improvements related to legislation and procedure, particularly to ensure that risk management is applied in border operations.	Yes	Yes	Yes
7.5	Post-Clearance Audit	A	Customs appears to comply with the minimum requirements of the WTO TF Agreement; stakeholders noted need for enhancement of IT support systems and procedure to ensure audit is actually used to expedite release of goods.	Yes	No	No
7.6	Establishment and Publication of Average Release Times	C	Stakeholders identified a need for training on use of WCO TRS software and development of formal procedures to implement this measure.	No	No	No
7.7	Trade Facilitation Measures for Authorized Operators	C	Stakeholders identified a need for technical assistance and/or funding support to make IT system changes to implement simplified/incomplete procedures. In addition, stakeholders noted that use of deferred payment is not widely permitted and technical support/analysis might be required or useful.	Yes	Yes	Yes

Nr.	Measure	Proposed Category	Explanation	EU Association Agreement	Regulatory Reform Strategy 2013-2020	Competitiveness Roadmap
7.8	Expedited Shipments	B or C	No provisions or systems for expedited shipments (air cargo express consignments) exist at present.	No	No	No
7.9	Perishable goods	B	Certain legislative provisions and procedures required for implementation are missing.	No	No	No
8	Border Agency Cooperation	A	WTO TF Agreement minimum requirements are met. There were no gaps identified by stakeholders, other than the general need for improved infrastructure at the border.	No	No	No
9	Movement of Goods under Customs Control intended for Import	A	Moldova meets WTO TF Agreement minimum requirements (national transit). Gaps and needs with respect to transit generally are covered under Article 11.	Yes	No	No
10.1	Formalities and Documentation Requirements	B or C	Moldova regulatory impact assessment laws and procedures to be enhanced to take into account trade-related impacts as well as periodic review of existing customs and border agency formalities and documentation requirements. Stakeholders also noted need for RIA technical training.	Yes	Yes	Yes
10.2	Acceptance of Copies	B	At present, presentation of the original document for import is required under Customs rules.	No	No	No
10.3	Use of International Standards	A	By virtue of the EU Association Agreement, among other international customs and trade related agreements to which Moldova is a signatory, Moldova meets the WTO TF Agreement minimum requirements	Yes	No	Yes
10.4	Single Window	C	No legal provisions or systems for implementation of single window exist at present.	No	No	Yes
10.5	Preshipment Inspection	A	Moldova fully complies with the WTO requirements.	Yes	No	No

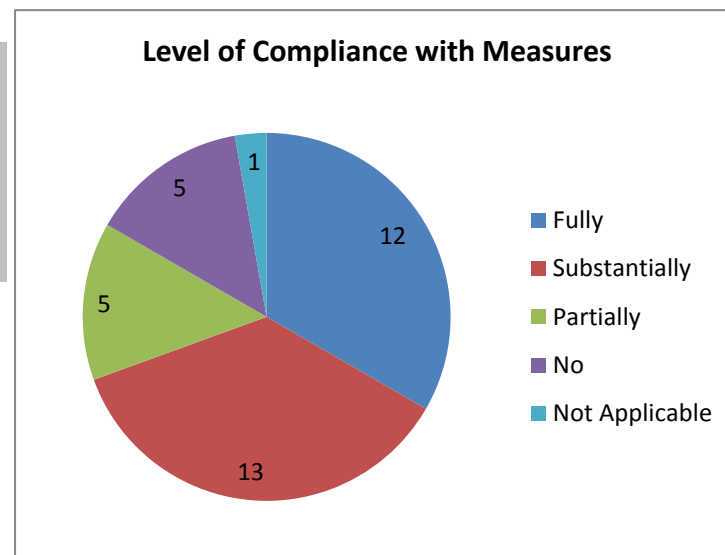
Nr.	Measure	Proposed Category	Explanation	EU Association Agreement	Regulatory Reform Strategy 2013-2020	Competitiveness Roadmap
10.6	Use of Customs Brokers	A	Moldova fully complies with the WTO requirements. Certain stakeholders indicated a need for review of the current system to determine whether responsibility for supervision of brokers should be returned to Customs, and that technical assistance might be useful in that analysis.	Yes	No	Yes
10.7	Common Border Procedures and Uniform Documentation Requirements	A	No gaps identified by stakeholders.	Yes	No	No
10.8	Rejected Goods	A	No gaps identified by stakeholders.	No	No	No
10.9	Temporary Admission of Goods and Inward and Outward Processing	A	Moldova complies with the WTO TF Agreement minimum requirements. Stakeholders noted need for technical support for closer alignment to EU legislation, improvement of authorization system, and IT.	No	No	Yes
11	Transit	B or C	Provisions to allow pre-arrival transit declarations have not yet been implemented. Stakeholders also noted a need for technical assistance and financial support for closer alignment to EU legislation particularly transit simplifications; IT support for implementation of selectivity and NCTS; and infrastructure for transit at BCP's and ICP's (including establishment of separate lanes).	Yes	No	Yes

Nr.	Measure	Proposed Category	Explanation	EU Association Agreement	Regulatory Reform Strategy 2013-2020	Competitiveness Roadmap
12	Customs Cooperation	A*	To be verified by the Customs Service. Preliminary information from Customs stakeholders indicates that this measure may be placed under Category A.	Yes	No	No

IV. Moldova Self -Assessment – Summary of Results

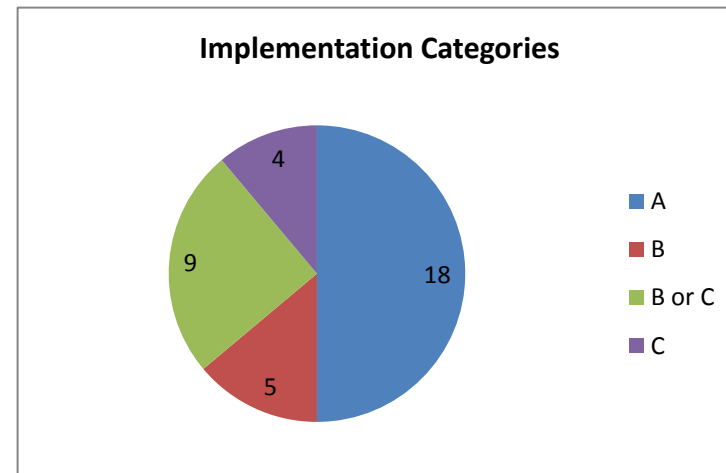
Trade Facilitation Needs Assessment - Summary

Compliance	Number	Percent
Fully	12	33%
Substantially	13	36%
Partially	5	14%
No	5	14%
Not Applicable	1	3%
	36	100%



The Agreement on Trade Facilitation contains 36 different measures. This chart shows our overall implementation status with respect to the proposed measures.

Category	Number	Percent
A	18	50%
B	5	14%
B or C	9	25%
C	4	11%
	36	100%



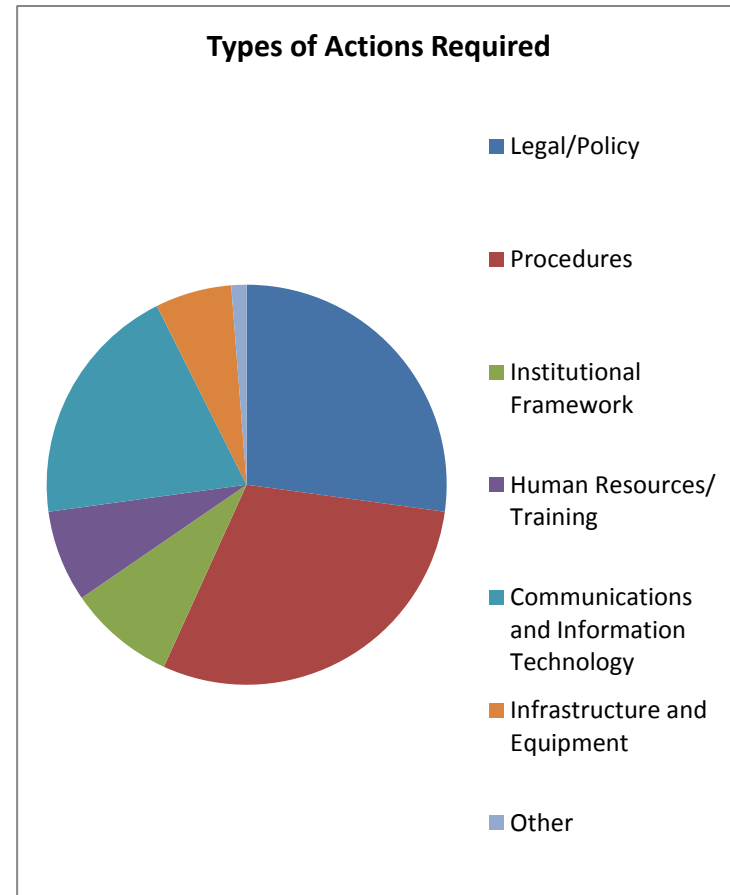
Status of special and differential categories:

Category A: measures we can implement at the time the WTO Trade Facilitation Agreement enters into force

Category B: measures for which we need additional time to implement

Category C: measures for which we need time and technical assistance

Actions Required	Number	Percent
Legal/Policy	22	61%
Procedures	24	67%
Institutional Framework	7	19%
Human Resources/ Training	6	17%
Communications and Information Technology	16	44%
Infrastructure and Equipment	5	14%
Other	1	3%
	n/a	n/a



For each measure - including those that we classified under Category A - we identified the types of actions/changes we need to take or the resources that we require. This chart summarizes those results by action type (e.g., x number and y percent of the 36 measures require legal/policy action; x number and y percent of the 36 measures require human resources/training action).

Trade Facilitation Needs Assessment - Summary Detail

					TACB Requirements - Mark with "x," if needed							
Article	Title	Comply? (Pick One)	Category (Pick One)	Time Required	Legal/ Policy	Procedures	Institutions	Human Resources/		Infra-structure/		
								Training	ICT	Equipment	Other	
1.1	Publication	Substantially	A		x					x		
1.2	Information Available Through Internet	Partially	B or C		x	x	x			x		
1.3	Enquiry Points	Partially	B or C		x	x	x			x		
1.4	Notification	Fully	A									
2.1	Opportunity to Comment and Information before Entry into Force	Partially	B		x							
2.2	Consultations	Substantially	B or C		x	x	x					
3	Advance Rulings	Substantially	A		x	x		x	x	x	x	x
4	Right to Appeal or Review	Fully	A			x	x			x		
5.1	Notifications for enhanced controls or inspections	Not Applicable	C		x	x				x		
5.2	Detention	Substantially	A			x						
5.3	Test Procedures	Substantially	B or C		x	x						
6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation	No	B		x	x						

					TACB Requirements - Mark with "x," if needed						
Article	Title	Comply? (Pick One)	Category (Pick One)	Time Required	Legal/		Human		Infra-		Other
					Policy	Procedures	Institutions	Resources/ Training	ICT	structure/ Equipment	
6.2	Specific Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation	Fully	A								
6.3	Penalty Disciplines	Substantially	B or C		x	x		x	x		
7.1	Pre-arrival Processing	No	B or C		x	x			x		
7.2	Electronic Payment	Fully	A								
7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges	Partially	B		x	x			x		
7.4	Risk Management	Substantially	A		x	x	x	x	x		
7.5	Post-Clearance Audit	Substantially	A			x			x		
7.6	Establishment and Publication of Average Release Times	Substantially	C			x		x			
7.7	Trade Facilitation Measures for Authorized Operators	Partially	C		x				x		
7.8	Expedited Shipments	No	B or C		x	x		x	x		
7.9	Perishable goods	Substantially	B		x	x					

					TACB Requirements - Mark with "x," if needed						
Article	Title	Comply? (Pick One)	Category (Pick One)	Time Required	Legal/		Human		Infra-structure/		Other
					Policy	Procedures	Institutions	Resources/ Training	ICT	Equipment	
8	Border Agency Cooperation	Fully	A							x	
9	Movement of Goods under Customs Control intended for Import	Fully	A								
10.1	Formalities and Documentation Requirements	Substantially	B or C		x	x		x			
10.2	Acceptance of Copies	No	B		x	x					
10.3	Use of International Standards	Fully	A								
10.4	Single Window	No	C		x	x	x		x	x	
10.5	Preshipment Inspection	Fully	A								
10.6	Use of Customs Brokers	Fully	A				x				
10.7	Common Border Procedures and Uniform Documentation Requirements	Fully	A								
10.8	Rejected Goods	Fully	A			x				x	
10.9	Temporary Admission of Goods and Inward and Outward Processing	Fully	A		x	x			x		

					TACB Requirements - Mark with "x," if needed						
Article	Title	Comply? (Pick One)	Category (Pick One)	Time Required	Legal/		Human		Infra-		
					Policy	Procedures	Resources/ Training	ICT	structure/ Equipment	Other	
11	Transit	Substantially	B or C		x	x			x	x	
12	Customs Cooperation	Substantially	A		x	x					



Needs Assessment
Summary EN



Needs Assessment
Summary RO

V. Moldova Self -Assessment – Detailed Results

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Article 1.1 Publication

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Unless in the form of a normative act, dissemination of trade information of the type described in Article 1.1 is not specifically mandated or authorized in legislation For current compliance with Article 1.1., see table, below <p><u>Description:</u></p> <p>1. “Normative acts” issued by the government and other central administrative bodies are required to be published in the Official Gazette and in the State Register of Legal Acts (Law No. 92 of April 1, 2004, “Publication and Republication Procedures for Normative Acts and Correction Thereto”). (State Register of Legal Acts is at http://lex.justice.md/)</p> <p>2. Under this law, public authorities are required to transmit legal acts to</p>		<p>1. Review and revise as necessary government policy/strategy to ensure publication of the import-export information of the type and in the manner described by the WTO agreement</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>“Moldpress,” the State News Agency responsible for publication, within limited time periods (<i>e.g.</i>, 3 days from date of signing) and requires Moldpress to publish within limited periods of receipt (<i>e.g.</i>, 10 days).</p> <p>3. Publication is required in the Romanian with translation to Russian and other languages as may be required by law.</p> <p>4. The law also authorizes publication of normative acts via other media (radio, television, Internet), with reference to the Official Gazette publication.</p>			
B. Procedures:		1.	
C. Institutional Framework:		1.	
D. Human Resources/Training:		1.	
<p>E. Communication/Information Technology:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Difficult to find information on all requirements relevant to a given import or export transaction (<i>e.g.</i>, Customs website publishes customs rules, but not ANSA requirements related to import or export of 		1. Assess presentation, content, ease of use (particularly from perspective of SME and other non-expert traders) and management of trade-related information on websites of relevant border authorities (Customs, ANSA, Border Police)	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>particular goods)</p> <ul style="list-style-type: none"> Information is generally given in the form of legislation rather than in easily accessible or simple terms Not all information related to import or export procedures and costs is published (<i>e.g.</i>, fees and procedures related to moving and holding goods at ICP terminals) <p><u>Description:</u></p> <ol style="list-style-type: none"> The border authorities (Customs, ANSA, and Border Police) maintain their own websites. Each generally collects links to the primary and secondary legislation that are relevant to that authority (but generally not their internal orders or instructions), as well as links to websites of certain other governmental authorities of Moldova. The websites of the border authorities contains some plain-language text summaries of their respective requirements, but generally the user must search through the legal text of the normative acts collected on the site to understand requirements. There is no single website where 			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>information about all requirements related to an import or export transaction can be found.</p> <p>4. Certain information on the websites is incomplete or out of date (<i>e.g.</i>, does not reflect latest amendments to legal text)</p>			
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note¹:		1.	

Article 1.1 Information	Published?	Comments
<p>Importation, exportation and transit procedures (including port, airport, and other entry-point procedures) and required forms and documents;</p>	Partly*	<p>*To the extent procedures are defined in normative acts, they are published in the Official Gazette, the on-line state registry of legal acts and the Official Gazette. Full operational customs manuals or guidance have not been written and published.</p> <p>Customs web site http://www.customs.gov.md/index.php?id=24</p> <p>Includes normative acts concerning Customs and required forms.</p> <p>National Agency for Foods Safety (ANSA) web site: http://ansa.gov.md/en/</p> <p>Includes normative acts concerning SPS (laws, government decisions, internal regulations of ANSA) and forms and certificates</p> <p>Border Police website: http://www.border.gov.md/index.php/ro/</p> <p>These websites generally do not provide an overall or end-to-end view of import/export and transit procedures at the BCP's and ICP's.</p>

¹ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

Article 1.1 Information	Published?	Comments
		The fees and charges charged by the terminals (which are operated by private sector entities), the reasons for the terminal fees, and any conditions for establishment and use of such terminals are not published on the government websites
b. Applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;	Yes	Integrated Tariff of Republic of Moldova http://www.customs.gov.md/index.php?id=1984 Includes VAT, excise, import duties
c. Fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;	Yes	Fees and charges imposed by all government agencies for licenses and permits are set out in the LEGE Nr. 160 din 22.07.2011 ("privind reglementarea prin autorizare a activității de întreprinzător") published in the Official Gazette and on-line state registry of legal acts All fees charged by Customs are published as annex to Customs Tariff Law, which is published on Customs website, Official Gazette and on-line state registry of legal acts. (Note: the fees for customs processing based on value of the goods will be abolished as of January 1, 2015) Some information about fees and charges collected by Customs on behalf of other authorities (road tax or "vignette", ecological tax) are also published on the Customs website. Fees and charges imposed by ANSA for services at the BCPs and ICPS are published in legislation available via the ANSA website and the on-line state registry of legal acts.
d. Rules for the classification or valuation of products for customs purposes;	Yes	Rules for classification of specific products are published by Customs in the Official Gazette and on the Customs website. Customs also publishes on the customs website summaries of advance tariff classification decisions issued to individual applicants.
e. Laws, regulations and administrative rulings of general application relating to rules of origin;	Yes	Customs laws and regulations published on the customs website and on-line state registry of legal acts and in the Official Gazette. No administrative rulings on rules of origin have been issued to date. Ministry of Economy website publishes links to text of preferential trade agreements.

Article 1.1 Information	Published?	Comments
f. Import, export or transit restrictions or prohibitions;	Yes	Published in Integrated Tariff of Republic of Moldova. Note that some stakeholders have observed that there are delays in incorporating changes to sanitary/phytosanitary restrictions in the Integrated Tariff.
g. Penalty provisions against breaches of import, export or transit formalities;	Yes	The Customs Code, which contains the penalty provisions (Article 231), is published in the Official Gazette, the on-line state registry of legal acts, and the customs website. In addition, an excerpt of the penalty provisions from the Customs Code is published on the customs website under a separate link. Administrative penalties applicable to individuals are defined in the Contravention Code which is published in the Official Gazette and the on-line state registry of legal acts.
h. Appeal procedures;	Yes	Customs website summarizes the legal text of appeal procedures with a link to the Customs Code, where such procedures are set out.
i. Agreements or parts thereof with any country or countries relating to importation, exportation or transit;	Yes	International agreements related to customs are on the customs website (http://www.customs.gov.md/index.php?id=1340). Customs cooperation agreements are on the website; FTA agreements are published on the MoE website.
j. Procedures relating to the administration of tariff quotas.	Partly	Information about quota balances published on the customs website

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially <input checked="" type="checkbox"/> Partially:___ No:___ Not Applicable:___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force):_____ Category B (with extra time):_____ Category C (with extra time and technical assistance): _____</p>

<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>		
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>		
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>		
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>		
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:</p>		
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>		
<p>9. Related Commitments:</p>		
<p>EU DCFTA Title V, Article 194</p>	<p>The Parties agree:...</p> <p>(a) to ensure that their respective legislation and procedures are transparent and publicly available, as far as possible through electronic means, and contain a justification for their adoption.</p> <p>...</p> <p>(c) to make publicly available, as far as possible through electronic means, relevant notices of administrative nature, including authority's requirements and entry or exit procedures, hours of operations and operating procedures for customs offices at ports and border crossing points, and points of contact for information enquiries</p>	

Article 1.2 Information Available Through the Internet

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No specific provisions that require or authorize the publication of practical guides to import, export and transit procedures, via internet or otherwise <p><u>Description:</u></p> <p>1. There are no specific legal provisions requiring or authorizing Customs or other border agencies to draft and publish practical guides to their import/export/transit procedures, including appeal procedures.</p>	<p>1. Difficult to design practical guides that will be generally useful on all matters of interest (they may be too complex for some users; not detailed enough for others)</p>	<p>1. Decisions on general approach (the target audience, the information to be presented, form and manner of presentation, etc.).</p> <p>2. Designate responsible and supporting bodies. These may include academic institutions, private sector, and/or the Ministry of Economy's export promotion agency.</p> <p>3. Assess possibility of establishing a national trade information portal; that is, a single source for information about Customs and any other border agency requirements for import, export or transit.</p>	
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Internal procedures for publication and regular updating practical guides to import, export and transit procedures Internal procedures for publication and regular updating forms and documents required by Customs and other border agencies for 	<p>1. Funding to prepare and publish on line the guides</p> <p>2. Funding/support for translation of on-line materials.</p>	<p>1. Formal procedures for the preparation, translation, internet publication and updating the information.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>import, export and transit</p> <ul style="list-style-type: none"> No single, unified or comprehensive view of all import/export/transit procedures (<i>i.e.</i>, Customs and ANSA procedures on separate websites without cross reference) <p><u>Description:</u></p> <ol style="list-style-type: none"> No formal procedures established to prepare, publish and keep updated practical guides and required forms and documents by Customs or other border agencies. Customs published on its website practical guides to two procedures: electronic export declaration and simplifications. These are not published in English. ANSA publishes on its website PDF guides to importing plant and plant products subject to phytosanitary and goods subject to veterinary control. These are not published in a WTO language. Customs guides (to the extent they exist) do not cover or refer to ANSA-related import/export/transit processes 			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
and vice-versa			
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Responsibilities for drafting and updating guides and required forms and documents not yet formally established, but existing organizational units perform similar functions <p><u>Description:</u></p> <p>1. In Customs, the Public Relations Subdivision (3 persons) within Strategic Management Division is responsible for administration/maintenance of website content, among other public relations/communication activities.</p> <p>2. Internal Customs Order establishes procedures and responsibilities for maintaining website information; responsibility for collecting/producing/updating content of guides to import/export/transit procedures not assigned.</p> <p>2. In ANSA this function would be under the responsibility of the Media Relations and IT Departments, supported by the</p>		<p>1. Designate roles and responsibilities, for the preparation and updating internet publication of guides and required forms and documents.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
subject-matter experts.			
D. Human Resources/Training:		1.	
E. Communication/Information Technology:		1.	
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note²: 1. Customs would like to provide further trade facilitative services through the website such as submission of electronic forms with electronic signatures (requests for authorization for customs regimes, authorizations for simplified procedures, request for advance rulings on origin and classification, etc.). 2. In addition, Customs would like to support such services by implementing an electronic register of all letters received so that person can follow request (tracking status of application).	1. Funding/technical support required to implement such functionality in the website.	1. Expand the functionality of Customs and other border agencies' websites to provide stakeholder information/ communication services	

² For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially: ___ Partially: <u> x </u> No:___ Not Applicable:___</p>		
<p>2. You expect to implement this measure by: Category A (by date of entry into force):_____ Category B (with extra time):_____ Category C (with extra time and technical assistance): _____</p>		
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>		
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>		
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>		
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>		
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:</p>		
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>		
<p>9. Related Commitments:</p>		
<p>EU DCFTA Title V, Article 194</p>	<p>The Parties agree: . . . (c) to make publicly available, as far as possible through electronic means, relevant notices of administrative nature, including authority's requirements and entry or exit procedures, hours of operations and operating procedures for</p>	

	customs offices at ports and border crossing points, and points of contact for information enquiries;	
Competitiveness Roadmap Trade Facilitation Objective Nr.5.2.1	5.2.1. Connecting all the central public authorities/institutions implementing policies to the platform of Public-Private Dialogue on the webpage www.businessportal.md, managed by ODIMM (Organization for SME Development)	II quarter, 2014
Competitiveness Roadmap Trade Facilitation Objective Nr.5.2.2	Creating an electronic portal for trade facilitation, including its connection to the European portal www.exporthelp.europa.eu	II quarter, 2014

Article 1.3 Enquiry Points

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Government policy decision concerning the organization of a national trade enquiry point(s) not yet taken <p><u>Description:</u></p> <p>1. The government has not yet decided</p>	<ul style="list-style-type: none"> This is a new requirement that has not yet been analyzed and discussed in detail by the relevant authorities. Lack of funding. 	<p>1. Assess options for the implementation of the national enquiry point.</p> <p>Options to be evaluated include:</p> <p>(i) base the enquiry point on the three separate call centers now maintained by Customs, ANSA and the Border Police, and</p> <p>(ii) establish a single national trade enquiry point that would be responsible for</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>how it will implement the trade enquiry point function.</p> <p>2. The Customs Code does authorize the Customs Service to deliver general information upon a simple request (Art. 17(3)). Similar obligations apply to ANSA and the Border Police (and other government authorities) under a government decision requiring provision of information on request.</p> <p>3. Fees for provision of customs services are defined in the Tariff Law (The Law on Customs Tariff, Nr. 1380-XIII of November 20, 1997). No fees are authorized for provision of information on request or for copies of documents.</p>		<p>providing information, forms and documents for all border authorities.</p>	
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Formal procedures for the operation of an enquiry point on trade matters not yet established <p><u>Description:</u></p> <p>1. There are no specific formal procedures on operation of a trade enquiry point to respond to matters described in Article 1.1 or provide copies</p>		<p>1. Develop and publish formal policies and procedures for operation of the trade enquiry point (or points), including procedures and obligations for cooperation and information exchange among the relevant border authorities.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
of forms and documents on request.			
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Depending on how the enquiry point is organized and its functions, stakeholders stated that there will likely be equipment and ITC needs <p><u>Description:</u></p> <ol style="list-style-type: none"> All the border agencies currently have procedures for responding to enquiries by economic operators. The Customs Service operates a telephone “Call Centre” with two lines: one line dedicated to calls reporting corruption issues and the other for general questions. Information concerning the Customs “Call Centre” is on the customs website. It is staffed by two persons. If the Call Centre operator cannot answer the question, he or she will route the call to competent customs officer. Border Police and ANSA have established similar functions allowing 		<ol style="list-style-type: none"> Define functions, roles and responsibilities of the trade enquiry point or points. Assign staff; establish funding; provide physical office space, equipment and information resources. 	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
persons to submit questions on their respective websites.			
<i>D. Human Resources/Training:</i>		1.	
<i>E. Communication/Information Technology:</i> <u>GAP(s):</u> <ul style="list-style-type: none"> • No gaps noted by stakeholders <u>Description:</u> 1. The Customs Call Centre responds to telephone enquiries, including a Skype number, and to email. The Border Police and ANSA call centers are similar.		1. Assess and provide for ITC needs of the enquiry point or points, particularly to enable rapid sharing of information, forms and documents among border authorities to respond to enquiries.	
<i>F. Equipment & Infrastructure:</i>		1.	
<i>G. Other Issues to Note³:</i>		1.	

³ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially: __Partially: <input checked="" type="checkbox"/> No:___ Not Applicable:__</p>		
<p>2. You expect to implement this measure by: Category A (by date of entry into force):_____ Category B (with extra time):_____ Category C (with extra time and technical assistance): _____</p>		
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>		
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>		
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>		
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>		
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: __ Low:___ None:___ Explain:</p>		
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>		
<p>9. Related Commitments:</p>		
[none]		

Article 2.1 Opportunity to Comment and Information Before Entry into Force

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No legal obligation to publish final trade regulations with a delayed effective date (e.g., enters into force 30 days after publication) The prescribed 15-day period to comment on proposed legal acts may be considered too short <p><u>Description:</u></p> <p><i>Opportunity to Comment</i></p> <p>1. The law on <i>Transparency in Decision Making</i> (LEGE Nr. 239, din 13.11.2008) requires Parliament and all public authorities to provide interested parties with an opportunity to comment on proposed legal acts.</p> <p>2. Authorities are required to notify the initiation of work on draft decisions; publish the draft legal acts and related materials; hold consultations with the public on the draft; consider recommendations made by interested</p>		<p>1. Modify legislation to require publication of trade laws and regulations prior to entry into force, with exceptions as indicated in Article 2.1 of the agreement</p> <p>2. Review possible revision of legislation to allow longer comment period.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>parties; and publish the final decision.</p> <p>3. Interested parties are required to submit written recommendations within 15 days of the date of notification of initiation of work, with possible extension. In practice this period is frequently extended.</p> <p>4. With respect to acts of Parliament, the law provides that “transparency in the Parliament’s decision making shall be ensured according to its regulations” (Art. 13(4)).</p> <p><i>Entry into Force</i></p> <p>1. The law on <i>Publication and Entry into Force of Official Acts</i> (LEGE Nr. 173 din 06.07.1994) generally provides that legal acts shall enter into force <u>upon</u> their publication in the Official Gazette.</p> <p>2. There are no specific provisions requiring publication of trade laws and regulations in the Official Gazette or elsewhere <u>prior to</u> their entry into force. Delay of entry into force is within the discretion of the Parliament (with respect to laws) and public authority (with respect to other public authorities)</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>B. Procedures:</p> <p>GAP(s):</p> <ul style="list-style-type: none"> No gaps noted <p><u><i>1. Opportunity to Comment</i></u></p> <p>1. A 2008 government decision defines procedures to be applied by public authorities to implement the transparency law. (GUVERNUL HOTĂRÎRE Nr. 96, din 16.02.2010, “cu privire la acțiunile de implementare a Legii nr. 239-XVI din 13 noiembrie 2008 privind transparența în procesul decizional”).</p> <p>2. This regulation establishes (i) organizational measures for ensuring transparency in decision making; (ii) means of informing during decision making; (iii) procedures for organizing public consultations; (iv) procedures for organizing public meetings; and (v) provisions related to the report on transparency in decision making.</p> <p>3. The decision further requires public authorities to develop and approve the necessary internal rules, designate and publish the name of a focal point for</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>consultation of information, and make the necessary internal organizational and operational adjustments.</p> <p>4. Ministry of Finance Order No. 442 (18.10.2012) designates head of the Strategic Management Division as Coordinator of Public Consultations as responsible for Customs compliance with the transparency law with respect to draft regulations issued by the Customs Service.</p> <p><i>II. Entry into Force</i></p> <p>No procedures established.</p>			
<p>C. Institutional Framework:</p> <p>GAP(s):</p> <ul style="list-style-type: none"> No gaps noted <p><i>I. Opportunity to Comment</i></p> <p>See description under Procedures</p> <p><i>II. Entry into Force</i></p> <p>NA.</p>		1.	
<p>D. Human Resources/Training:</p>		1.	
<p>E. Communication/Information Technology:</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps noted <p><u>Description:</u></p> <p>1. Customs Service and other border authorities (ANSA and Border Police) implement the obligation to allow comments on draft legal acts via their respective websites under a “Transparency” page.</p>			
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note⁴:		1.	

II. Questionnaire

<p>1. Do you comply with this measure?</p> <p>Fully: ___ Substantially: ___ Partially: <input checked="" type="checkbox"/> No: ___ Not Applicable: ___</p>
<p>2. You expect to implement this measure by:</p> <p>Category A (by date of entry into force): _____ Category B (with extra time): _____ Category C (with extra time and technical assistance): _____</p>
<p>3. If Category B or C approximately how much time will you need to implement?</p> <p>6 Months: ___ 1 Year: ___ 3 Years: ___ 5 Years: ___ Other (Specify): _____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>

⁴ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:		
6. Stakeholders not participating in assessment of this measure that should be consulted:		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
EU DCFTA Title V, Article 194	There should be a reasonable time period between the publication of new or amended provisions and their entry into force;	
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 42	Prompt publication of all legal acts of departments, related to all customs aspects or have a bearing on sales, distribution, transport, insurance, storage, controls, exposure, processing, or other usage of goods. Publication shall be made in advance, to allow economic operators to prepare for the compliance with these provisions	Annual
Competitiveness Roadmap Trade Facilitation Objective Nr.5.1.2	5.1.2. Ensuring the consultation mechanism for the normative acts of the Customs Service with the business community	I-IV quarters, 2014

Article 2.2 Consultations

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No formal legal basis requiring border agencies regular consultations with stakeholders, other than in relation to specific draft legal acts under the Law on Transparency <p><u>Description:</u></p> <p>1. Border agencies in Moldova are the Customs Service, the Border Police, and the National Agency for Food Safety (ANSA).</p> <p>2. Public consultation in connection with “decisions” by such border agencies (legal acts adopted by public authorities) is required by the law on <i>Transparency in Decision Making</i> (LEGE Nr. 239, din 13.11.2008) (this is described in relation to Article 2.1).</p> <p>3. There are no provisions in the Customs Code or decisions of Government requiring regular consultation with stakeholders.</p>	<p>Lack of funding to support staff required for this function</p>	<p>1. Establish a formal legal obligation based on, for example, the EU customs legislation, to require border authorities (Customs, ANSA, and Border Police) to conduct regular stakeholder consultations</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No formal procedures established for consultations for border agencies other than the Customs Service, other than in relation to specific draft legal acts under the Law on Transparency <p><u>Description:</u></p> <p>1. Customs Order Nr. 87-0 of 23.08.2013 establishes a “consultative committee” (an internal order, but published on customs web site) open to representatives of all associations involved in international trade and business.</p> <p>2. Under the order, the committee shall meet not less than once every two months. The USAID BRITE Project is the designated secretariat to the committee and is responsible for organizational matters, including keeping minutes (which are published on Customs website), drafting meeting agenda, and informing the public. Similar consultative committees are established by Customs at the regional level.</p>		<p>1. Develop and publish procedures to implement regular stakeholder consultations (Customs, ANSA, and Border Police)</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>3. In addition to the customs consultation committee, the Customs Committee holds <i>ad hoc</i> meetings with groups of businesses on specific issues, including brokers, and producers (e.g., manufacturers operating under the inward processing procedure).</p> <p>4. With respect to the Border Police, a National Council for Integrated Border Management is established under the Ministry of Interior (parent authority of Border Police) in which all border authorities and private sector representatives participate. In addition, Border Police inform its stakeholders on an <i>ad hoc</i> basis, by providing information on its website, distributing flyers at the BCP's, participating in Customs consultative committee meetings, etc.</p> <p>5. ANSA informs its stakeholders via the website, seminars, by phone in response to enquiries, etc.</p>			
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Formal framework for consultation established by Customs Service and 		<p>1. Establish institutional framework for implementation of consultation, if it does not already exist.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>Border Police, but apparently not ANSA</p> <p><u>Description:</u></p> <p>1. For Customs and Border Police, formal mechanisms for consultation have been established as described above.</p> <p>2. There do not appear to be specific provisions for similar “regular” consultations by ANSA with its stakeholders, other than in connection with review of proposed legal acts under the Law on Transparency..</p>			
D. Human Resources/Training:		1.	
E. Communication/Information Technology:		1.	
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note⁵:		1.	

II. Questionnaire

<p>1. Do you comply with this measure?</p> <p>Fully: ___ Substantially: <input checked="" type="checkbox"/> Partially: ___ No: ___ Not Applicable: ___</p>

⁵ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

<p>2. You expect to implement this measure by: Category A (by date of entry into force): _____ Category B (with extra time): _____ Category C (with extra time and technical assistance): _____</p>		
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: _____ 1 Year: _____ 3 Years: _____ 5 Years: _____ Other (Specify): _____</p>		
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>		
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>		
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>		
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High: ___ Medium: ___ Low: ___ None: ___ Explain:</p>		
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>		
<p>9. Related Commitments:</p>		
EU DCFTA Title V, Article 194	Appropriate and regular consultation mechanisms between the administration and the business community, shall be established by each Party	
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 22	Create and maintain a Standing Working Group in the customs area with the participation of the private sector and cooperation with the Working Group for the Regulation of Entrepreneurial Activity	Q 1, 2014
Competitiveness Roadmap Trade Facilitation Objective Nr.5.2.3	Ensuring the functioning of the Consultative Council of the Customs Service	I quarter, 2014

Article 3 Advance Rulings

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> There are no provisions for advance rulings on questions of customs valuation or other matters other than origin or tariff classification <p><u>Description:</u></p> <p>1. The Customs Code provides for advance rulings on both tariff classification questions (“Prior Tariff Decision”) and origin of goods (“Mandatory Information on Goods Origin and Informing the Declarant”)(Articles 141³- 141⁴ and Articles 215¹-215², respectively.)</p> <p>2. There are no provisions that specifically mandate or authorize advance binding rulings on customs valuation, application of duty reliefs or exemptions, or any other matters.</p> <p>3. With respect to tariff classification, the Code provides the following:</p> <ul style="list-style-type: none"> application for a ruling may be made by any “interested person” decision binding on Customs and the applicant application to be made in writing, according to procedure established by Customs Service decision to be issued by Customs not later than 3 	<p>1. Although there appears to be demand from businesses, Customs has not taken a decision to extend advance ruling program to customs valuation questions because of uncertainty about consequences and implementation and because issuance of rulings on valuation does not appear to be a common practice in other EU countries (among other reasons). Also, it seems that few importers have all documents required to determine the value of goods before the goods arrive to the country or would be willing to provide them.</p> <p>2. No legal basis for advance binding rulings on matters other than origin and tariff classification.</p> <p>3. Customs revenues account for 70% of income. Changes in legislation related to duty assessment and</p>	<p>1. Assess the feasibility and impact of implementation of a binding rulings program for customs valuation and other matters (such as proper application of customs destinations), particularly the impact on revenue collection.</p> <p>[NOTE: The WTO Trade Facilitation Agreement “encourages” but does not require members to implement an advance rulings program on matters other than origin and tariff classification of goods.] 2. If decision is taken to extend the scope of customs advance rulings to customs valuation and/or other matters, draft the necessary legislation/orders.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>months of receipt of written request; if delayed, applicant shall be advised in writing, with reasons and new deadline</p> <ul style="list-style-type: none"> • no fee or charge imposed • where Customs refuses to issue a decision or issues a decision detrimental to applicant, reasons shall be provided • decisions effective from date of issuance • decisions valid for 6 years • decisions may be annulled if based on incorrect or incomplete information • annulment takes effect as of date of notification of the economic operator (<i>i.e.</i>, does not take effect retroactively) • decision may be revoked if incompatible with new rules or due to mistakes made in its issuance • revocation takes effect as of date the legal changes enter into force or when the economic operator is notified of the revocation • Holder of decision may continue use of revoked decision for period of 6 months, where contracts for the goods have been made <p>4. Relevant provisions concerning origin decisions are:</p> <ul style="list-style-type: none"> • a decision is “mandatory” for the customs bureaus (stations) (Article 1(55)) and binding on the holder of the decision 	<p>collection are sensitive, may require the approval of the Ministry of Finance, and must be well justified.</p>		

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<ul style="list-style-type: none"> • requests for a decision shall be made in writing • decision shall be issued “as soon as possible” but not later than 150 days of acceptance of a request • decision is valid for 3 years • decision may be cancelled if issued on basis of erroneous or incomplete information provided by applicant • decision shall “cease to be valid” (i.e., prospective effect) if no longer applicable due to adoption of regulations or international agreement, if the decision is no longer compatible with origin rules set out in legislation, or if the decision is modified or revoked at request of holder • Revocation, amendment, annulment conditions and procedures shall be established by Customs • Customs shall maintain a record of the information supplied in the request for the decision as well as the decision itself. <p>5. Rulings are subject to review according to the provisions of the Customs Code concerning review of customs decisions (these are described in connection with Article 4- Appeal or Review Procedures).</p> <p>6. No fee is charged for advance rulings.</p>			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • There are no procedures in place to ensure proper use 		<p>1. Assess Customs control options to ensure proper use of rulings in clearance of goods based on, for</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>of issued rulings in clearance of goods</p> <p><u>Description:</u></p> <ol style="list-style-type: none"> 1. Procedures for the application and Customs processing advance rulings on tariff classification and origin are defined by Customs Order Nrs. 80 of 28.02.2012 (“privind aprobarea Instrucțiunii cu privire la procedura de completare și examinare a cererilor privind decizia tarifară prealabilă”) and 325 of 12.07.2012 (“privind aprobarea Instrucțiunii cu privire la procedura de solicitare și emitere a informațiilor obligatorii privind originea mărfurilor”). 2. These orders define the information that must be supplied by the applicant, provide templates for the ruling application and decision specify the time periods under the ruling will be issued and define procedures in event of delays, and specify the procedures for use of the advance ruling in customs clearance. 3. Both orders are published on the Customs website, on the national legal database (available at the Ministry of Justice website), and in the Official Gazette. 4. Pursuant to these orders, advance rulings may be published on the Internet, subject to protection of specified information that will be treated as confidential. 5. Customs publishes on the customs website its register of advance rulings that it has issued, which includes a summary of the decision (removing any confidential business details). This is a table format – a text document. 		<p>example, experience of EU-member countries</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>Rulings that are described in the table are not made available (only the extract).</p> <p>6. No follow up procedures have been established to ensure that rulings are actually being used by the applicant to clear the goods.</p>			
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • None noted <p><u>Description:</u></p> <p>1. In accordance with Customs Ordinances Nrs. 80 and 325, responsibility for advance rulings is assigned to the Customs Value and Classification of Goods Division of the Customs Revenue and Control Department in the central office of the Customs Service. Within that Division, a separate unit (the Tariff Classification of Goods Section) works on tariff classification rulings.</p> <p>2. There is high demand for tariff rulings. Approximately 213 tariff rulings have been issued in 2014 to date. Customs has never received an application for a ruling on origin.</p>		1.	
<p>D. Human Resources/Training:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • Training/expertise of customs officers responsible for tariff classification on technical products (chemical, 	1. Funding is barrier	<p>1. Train customs staff in ruling request procedures and technique.</p> <p>2. Train customs staff on tariff classification of</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>engineering, etc.)</p> <ul style="list-style-type: none"> • Customs laboratory analytical equipment <p><u>Description:</u></p> <ol style="list-style-type: none"> 1. There are 5 customs officers responsible for processing and issuance of rulings at the headquarters level. These are generalists (trained as lawyers and economists), and do not have expertise in technical matters. 2. Limited staffing to handle volume of tariff classification rulings prevents preparation of detailed written decisions. 3. Customs laboratories are currently under construction (one central and one mobile). It will support technical work of tariff classification. There is a need for technical, analytical equipment for use by the laboratory. 		<p>technical products (chemical, technology, etc.)</p> <ol style="list-style-type: none"> 3. Assess and make provision for the technical equipment needs of customs laboratories to carry out proper tariff classification verifications. 	
<p><i>E. Communication/Information Technology:</i></p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • Customs does not have a rulings database • Customs does not provide for electronic submission of ruling applications <p><u>Description:</u></p> <ol style="list-style-type: none"> 1. Customs keeps a register of advance rulings that it has issued. This is not in the form of a database but a text file. It is not linked to the integrated tariff or the customs declaration processing system. It is not searchable. 2. There are no facilities for electronic submission of 	<ol style="list-style-type: none"> 1. Lack of funding to develop advance rulings database 2. Customs website not yet upgraded to accept digitally signed documents (prevents submission of electronic application for advance ruling) 	<ol style="list-style-type: none"> 1. Analysis, design, and implementation of a rulings database and electronic submission of ruling applications 	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
applications of requests for rulings and decisions. It is now a paper-process. This requires importers to come to Chisinau to make a ruling application, which takes time.			
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note⁶: 1. Customs tariff classification decisions do not provide any justification for conclusions. Moreover, Central Customs Service often relies on WCO Explanatory Notes which are not translated or generally publically available.	1. Funding for acquisition and translation of WCO explanatory notes. WCO copyright also prevents translation and distribution.	1. Acquire and translate physical copy of WCO Explanatory Notes for use by the trade enquiry point.	

II. Questionnaire

1. Do you comply with this measure? Fully:___ Substantially: <u>X</u> Partially:___ No:___ Not Applicable:___
2. You expect to implement this measure by: Category A (by date of entry into force):_____ Category B (with extra time):_____ Category C (with extra time and technical assistance): _____
3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____
4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:

⁶ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:		
6. Stakeholders not participating in assessment of this measure that should be consulted:		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: __ Low:___ None:___ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
EU DCFTA Title V, Article 193(j)	Customs legislation shall “provide for advance binding rulings on tariff classification and rules of origin.”	

Article 4 Right to appeal or review

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps in the legislation noted by stakeholders <p><u>Description:</u></p> <p>1. The relevant Customs Code provisions on administrative and judicial appeal (Articles 285 to 300)-</p> <ul style="list-style-type: none"> provide a right of appeal against an “administrative act, actions or failure to act” by Customs or its officers, other than administrative or criminal sanctions allow appeal to be made by “any person” (legal or natural) who considers its legal rights or interests violated require initial appeal to be made to the Customs Service require appeal to be made within 10 days of protested decision or action, with possible extension on request require Customs to issue decision in 			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>writing to the appellant</p> <ul style="list-style-type: none"> allow appeal to the court that has jurisdiction over the Customs office or the place of work of the Customs officer whose decisions, actions or inaction are the subject of the appeal, with rights of further appeal to the appellate courts. <p>2. The Customs Code requires Customs to make a decision within 30 days, with possible extension of additional 30 days subject to notification to appellant. If Customs fails to decide within that period, the appellant has the right to file the claim in court pursuant to Article 17 of the Law on Administrative Disputes (Law No. 793 of 10.02.2000)</p> <p>3. Private sector stakeholders indicated that the 10 day period required for making an appeal can be too short, particularly when the court will decide on the basis of the papers submitted to Customs. Extensions of time are allowed, but under restrictive conditions.</p> <p>4. The Law on Administrative Disputes, which generally applies to appeals against public authorities, contains</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>additional provisions applicable to the administrative appeal procedure, including provisions on where appeals may be filed.</p> <p>5. The Law on Administrative Disputes likewise provides for, and regulates, administrative appeals against decisions of border authorities other than Customs.</p> <p>6. There are no further provisions in laws applicable to ANSA or the Border Police concerning administrative appeals. .</p>			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps noted by stakeholders <p><u>Description:</u></p> <p>1. There are no orders, procedures or instructions issued on Customs administrative appeal in addition to those referenced above.</p> <p>2. Customs stakeholders indicated that Customs Code provisions are sufficiently detailed and do not require further elaboration or implementing detail.</p>		<p>1. Develop and publish on websites instructions and guidance for submission and processing of administrative appeals for all border agencies (Customs, ANSA and Border Police)</p> <p>[NOTE: publication of appeal procedures is required by Article 1.1. of the WTO Trade Facilitation Agreement]</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>3. There are no procedures established for administrative appeals with respect to appeals against decisions of ANSA.</p> <p>[NOTE: WTO members are required under the WTO Trade Facilitation rules to provide a right of appeal against decisions of Customs and are “encouraged” to provide such a right of appeal against decisions of other border authorities].</p>			
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Some stakeholders consider the legal obligation to make an initial appeal to customs before review by a court as a needless formality. <p><u>Description:</u></p> <p>1. Responsibility for review and decision of customs appeals is assigned to the Legal Division which is under the Customs and Revenue and Control Department at the central customs office.</p> <p>2. Private sector stakeholders indicated that customs decisions are rarely changed in administrative appeal and,</p>		<p>1. Evaluate alternative review procedures or mechanisms that other countries use, particularly the EU, to ensure independence of decision-maker (<i>e.g.</i>, independent review authority, alternative dispute resolution).</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
for that reason, it was suggested that persons should have the option of appealing directly to a court (Customs representatives informed us, however, that initial administrative appeal is required by the Civil Code).			
D. Human Resources/Training:			
E. Communication/Information Technology: <u>GAP(s):</u> <ul style="list-style-type: none"> No case management system for registering and tracking administrative appeals against customs decisions <u>Description:</u> <ol style="list-style-type: none"> There is no electronic system for registering and tracking appeals of Customs decisions. 		<ol style="list-style-type: none"> Develop and implement a customs automated case management system to register, monitor, and report on appeals. Traders should also have access to track progress and outcomes of appeals. 	
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note⁷: <ol style="list-style-type: none"> Approximately 150 customs administrative appeals were considered in 2012, and approximately 30 were 		1.	

⁷ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
considered in the first half of 2014.			

II. Questionnaire

<p>1. Do you comply with this measure? Fully: <input checked="" type="checkbox"/> Substantially: <input type="checkbox"/> Partially: <input type="checkbox"/> No: <input type="checkbox"/> Not Applicable: <input type="checkbox"/></p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force): <input type="checkbox"/> Category B (with extra time): <input type="checkbox"/> Category C (with extra time and technical assistance): <input type="checkbox"/></p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: <input type="checkbox"/> 1 Year: <input type="checkbox"/> 3 Years: <input type="checkbox"/> 5 Years: <input type="checkbox"/> Other (Specify): <input type="text"/></p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> Explain:</p>
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>
<p>9. Related Commitments:</p>

EU DCFTA Title V, Article 193(2)(c)	Provide effective, prompt and non-discriminatory procedures guaranteeing the right of appeal against customs and other authorities' administrative actions, rulings and decisions affecting the goods submitted to customs. Such procedures for appeal shall be easily accessible, including to small or medium-sized enterprises and any costs shall be reasonable and commensurate with the costs incurred by the authorities to ensure the right of appeal	
Competitiveness Roadmap Trade Facilitation Objective Nr.7.1.1	7.1.1. Creating an electronic system to collect the contestations (complaints)	II quarter, 2014
Competitiveness Roadmap Trade Facilitation Objective Nr.7.1.2	7.1.2. Launching the process of on-line publication of first-instance court decisions related to commercial and customs cases and related disciplinary procedures	II quarter, 2014
Competitiveness Roadmap Trade Facilitation Objective Nr.7.1.3	7.1.3 Publication of statistics on the settlement of commercial disputes and measures taken in respect of the officials involved	Starting in the I quarter, 2014 – continuously on quarterly basis

Article 5.1 Notification for Enhanced Controls or Inspection

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<i>A. Policy/Legal Framework:</i>		1. Analyze and revise legal framework and procedures, as required, to enable ANSA's	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>GAP(s):</p> <ul style="list-style-type: none"> No gaps noted by stakeholders; at present Moldova does not operate an import alert system The EU Association Agreement requires Moldova to implement a national Rapid Alert System for food and feed (NRASFF) and a National Early Warning Mechanism (NEWM). <p><u>Description:</u></p> <p>1. ANSA does not at present maintain a formal system for issuing notifications/guidance to enhance level of border inspections or controls. Information concerning risks is communicated within the organization, including to border officers, on regular basis through email, telephone, training, website, etc.</p> <p>2. The communication is made of the detection of the issue and its resolution and is announced to economic operators and its resolution.</p> <p>3. ANSA receives communications from the EU import alert system, (RASFF) but does not at present itself generate messages on that system.</p>		<p>implementation of the NRASFF and NEWM based on EU models and consistent with WTO TF Agreement principles.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
[NOTE: Moldova's agreement with the EU will require it to implement a national RASFF. When such a system is implemented, it will be required to be operated in conformity with the WTO Trade Facilitation rules.]			
B. Procedures:		1. Same as above	
C. Institutional Framework:		1.	
D. Human Resources/Training:		1.	
E. Communication/Information Technology:		1. IT aspects and requirements to support implementation of the NRASFF and NEWM to be determined.	
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note⁸:		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully: ___ Substantially: ___ Partially: ___ No: ___ Not Applicable: ___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force): ___ Category B (with extra time): ___ Category C (with extra time and technical assistance): ___</p>
<p>3. If Category B or C approximately how much time will you need to implement?</p>

⁸ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

6 Months:____ 1 Year:____ 3 Years:____ 5 Years:____ Other (Specify):_____		
4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:		
5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:		
6. Stakeholders not participating in assessment of this measure that should be consulted: ANSA stakeholders should be re-consulted on this measure. The EU Association Agreement obligation to develop and implement an EU-style NRASFF and NEWM was not discussed by stakeholders and not considered in the validation session.		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
EU DCFTA Title V, Article 185(6)	The Republic of Moldova will develop and implement a national Rapid Alert System for food and feed (NRASFF) and National Early Warning Mechanism (NEWM) compatible with those of the EU. After the Republic of Moldova implements the necessary legislation in this field and creates conditions for the proper functioning of the NRASFF and the NEWM on the spot, and within an appropriate period of time to be agreed between the Parties, the NRASFF and the NEWM will be connected to the corresponding EU systems.	

Article 5.2 Detention

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. There are no specific provisions in the Customs Code requiring or authorizing notification of the declarant or his agent where goods are detained for inspection by Customs or other border authority. However, the Customs Code provides for right of declarant or his representative to be present at examination, with certain exceptions for exigent circumstances (Art. 201). For that reason, stakeholders stated that the declarant or his representative is informed when goods are detained for inspection.</p> <p>2. Rules for cooperation between Customs and ANSA authorities at the border are defined in Government Order 1073 of 10.09.2008 ("Cu privire la optimizarea modului de trecere a frontierei de stat de către mijloacele de</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>transport auto cu mărfuri și pasageri, modificarea și abrogarea unor acte normative”).</p> <p>3. Government Order 1073 is intended to implement a one-stop border control. It requires that Customs inform ANSA authorities whenever there is an import or export of goods subject to ANSA control (such goods are listed in the Order).</p> <p>4. Government Order 1073 further requires any inspection by ANSA authorities be conducted with Customs. In practice, no goods are opened by ANSA inspectors without a customs officer present.</p> <p>5. Accordingly, the previously-mentioned Customs Code provisions requiring the presence of the declarant or his representative at examinations would likewise be applicable to ANSA-motivated inspections.</p>			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Lack of formal procedures requiring notification of declarant or his 		<p>1. Develop formal guidelines or instructions for notification to declarant or his agent in event goods are detained for sampling or other examination, including form, content and timing of notification</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>agent in the event of detention of goods for sampling or examination by Customs or other border authorities</p> <p><u>Description:</u></p> <p>1. According to work arrangements between Customs and ANSA authorities at the border, the declarant or his agent is verbally notified in the event goods are detained for sampling or examination.</p> <p>2. There do not appear to be any formal procedures or instructions as to the notification, such as when it must be sent, by and to whom, the form of the notification, or the information it must contain.</p> <p>3. Private sector stakeholders indicate that examination and sampling of imported goods at BCP's on arrival is not necessarily undertaken in the presence of the declarant or his representative, and that the declarant or his agent may not be informed of the examination.</p>		and any exceptions thereto.	
C. Institutional Framework:		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
D. Human Resources/Training:		1.	
E. Communication/Information Technology: <u>GAP(s):</u> <ul style="list-style-type: none"> • A message is not sent by the ASYCUDA system to the declarant or his agent informing that the goods have been detained, the detaining agency, and the reasons for the detention • No other gaps identified by stakeholders <u>Description:</u> 1. According to stakeholders, ASYCUDA does not generate a message to the declarant or his agent when goods are detained for documentary or physical sampling or examination.	Funding for IT development	1. Analysis, design, and implementation of a multi-agency module in ASYCUDA World to allow exchange of information among border authorities	1.
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note⁹:		1.	

II. Questionnaire

1. Do you comply with this measure?
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⁹ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

Fully:___ Substantially: <u>X</u> Partially:___ No:___ Not Applicable:___		
2. You expect to implement this measure by: Category A (by date of entry into force):___ Category B (with extra time):___ Category C (with extra time and technical assistance): ___		
3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____		
4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:		
5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:		
6. Stakeholders not participating in assessment of this measure that should be consulted:		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
[none]		

Article 5.3 Test Procedures

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No right to a second test under the customs legislation (although Customs has general authority itself to request a second test, and may do so on request of the importer) Customs laboratory test is legally conclusive (prevails over all others) No specific provisions establishing right to retest in SPS related legislation (although this is generally permitted by ANSA in practice) <p><u>Description:</u></p> <p>1. The Customs Code requires the Customs Service to establish laboratories to examine and test goods for Customs purposes (Art. 10). These facilities are now in the process of being constructed. In the absence of customs laboratories, Customs uses private laboratories, in Moldova and other countries, for the tests of goods that it</p>		<p>1. Review and analyze relevant customs and ANSA legislation and develop conforming provisions as required.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>conducts for its purposes.</p> <p>2. Relevant provisions concerning rights and obligations in connection with Customs sampling and testing goods are set out in Arts. 202¹⁰ to 202¹² -</p> <ul style="list-style-type: none"> • The declarant has the right to results of the expert examination • Results and conclusions of the customs laboratory shall prevail over the information or acts of other expert institutions or experts, as well as over other documents containing information on physical and chemical characteristics or properties of the goods, if such results and conclusions are contradictory • The deciding Customs officer may ask for additional tests by the same expert or another expert if the first test results are not clear or complete or defects in the procedures (202¹⁵) <p>3. There are no specific provisions in the customs legislation providing a declarant with the right to request a second test by Customs. In practice, however, Customs can permit the second test on the importer's request</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>under its authority under Article 202¹⁵.</p> <p>4. There are no specific provisions in the customs legislation to authorize or allow Customs to designate independent laboratories where tests may be carried out (and therefore no provisions regarding designation/publication of names of such independent authority).</p> <p>5. There are no specific provisions providing the economic operator with the right to request a retest under laws implemented by ANSA related to control of imported or exported goods (sanitary-veterinary, phytosanitary, sanitary legal acts).</p>			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No formal procedures established by ANSA providing for right to re-test or use of test results where there is a discrepancy between the importer's test and ANSA's tests No ANSA procedures for publication of accredited laboratories where re-test can be carried out <p><u>Description:</u></p>		<p>1. Review and analyze relevant ANSA procedures and develop and publish conforming orders and instructions as required.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>1. For live animals, testing for certain dangerous diseases shall only be conducted by a specified national laboratory. The importer does have the right, in practice, to request a second test if the first test is negative, but no formal written procedures are established.</p> <p>2. For other goods subject to ANSA control, ANSA inspectors take samples for testing by an accredited laboratory. The economic operator may be permitted to test a control sample or may take and test another sample in any laboratory on his own initiative. Stakeholders indicated that if there is a discrepancy between the test results another sample may be taken for testing in an EU country laboratory; however, other stakeholders indicated that ANSA will rely on the tests conducted by its tests performed by the accredited laboratory, regardless of the results of the tests conducted by the importer. There are not written formal procedures that define or explain these processes or any rights or obligations of the importer.</p> <p>3. Private sector stakeholders indicate</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
that they are not provided with full test results by the designated laboratory to enable them to take a decision to retest or other action.			
C. Institutional Framework:		1.	
D. Human Resources/Training:		1.	
E. Communication/Information Technology:		1.	
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note¹⁰:		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully: ___ Substantially: <u>X</u> Partially: ___ No: ___ Not Applicable: ___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force): ___ Category B (with extra time): ___ Category C (with extra time and technical assistance): ___</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: ___ 1 Year: ___ 3 Years: ___ 5 Years: ___ Other (Specify): _____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>

¹⁰ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:		
6. Stakeholders not participating in assessment of this measure that should be consulted: ANSA Phytosanitary Control stakeholders (they were not available for validation session)		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High: ___ Medium: ___ Low: ___ None: ___ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
[none]		

Article 6.1 General Disciplines on fees and Charges

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
A. Policy/Legal Framework: <u>GAP(s):</u> <ul style="list-style-type: none"> No legal provisions requiring delayed effective date for new or amended fees and charges (<i>e.g.</i>, entry into force of new or changed fees and changes 30 days after publication in the Official Journal) No legal provisions requiring 		1. Review and revision of relevant legislation and implementing rules, including possible changes to the Law on Transparency to require publication of reasons for legislation.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>publication of information about fees and charges (reasons for the fee, when and how paid)</p> <ul style="list-style-type: none"> No legal provisions requiring periodic review of fees and charges to reduce number and diversity <p><u>Description:</u></p> <p>1. All fees and charges are implemented through legal acts proposed by the government and approved by Parliament. All legal acts are required to be published (see description under Article 1.1. Publication). These acts include the amount of the fee and the name or type of the fee.</p> <p>2. For customs processing and other customs fees for services, see description under Article 6.2 (Specific Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation).</p> <p>3. There are no specific legal provisions requiring publication of the reason for fees and charges related to importation or exportation of goods or information about the responsible authority and when and how payment is to be made.</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>4. Reasons for fees and charges are contained in an explanatory note to the implementing legal act, as required by the Law on Transparency, but such explanatory note is not published.</p> <p>5. With respect to publication of fees and charges before entry into force, see description under Article 2.1 (Opportunity to Comment and Information before Entry into Force).</p> <p>6. There are no specific legal provisions requiring government authorities to periodically review fees and charges to reduce their number and diversity. However, at least with respect to Customs fees there remain very few fees (see description under Article 6.2)</p>			
B. Procedures:		1. Procedures for periodic review of fees should be considered and established in connection with actions required to implement Article 10.1 (Formalities and Documentation Requirements)	
C. Institutional Framework:		1.	
D. Human Resources/Training:		1.	
E. Communication/Information Technology:		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<i>F. Equipment & Infrastructure:</i>		1.	
<i>G. Other Issues to Note¹¹:</i>		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially: ___ Partially:___ No: <input checked="" type="checkbox"/> Not Applicable:___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force):_____ Category B (with extra time):_____ Category C (with extra time and technical assistance): _____</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:</p>
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>

¹¹ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

9. Related Commitments:		
EU DCFTA Title V, Article 195(2)(d)	<p>(d) the information on the fees and the charges shall be published via an officially designated medium, and where feasible and possible, official website. This information shall include the reason for the fee or the charge for the service provided, the responsible authority, the fees and the charges that will be applied, and when and how payment is to be made; and</p> <p>(e) new or amended fees and charges shall not be imposed until information on them is published and made readily available.</p>	
Competitiveness Roadmap Trade Facilitation Objective Nr.4.1.2	4.1.2. Evaluation of the costs related to services provided by public institutions in the sanitary, phytosanitary, and veterinary areas and aligning them to the international commitments (WTO, Association Agreement, DCFTA)	I quarter, 2014

Article 6.2 Specific Disciplines on Fees and Charges Imposed on or In Connection with Importation and Exportation

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps noted by stakeholders <p><u>Description:</u></p> <p>1. At present, certain Customs services are subject to payment fee in an amount set out in Appendix 2 to the Customs Tariff Law.</p> <p>2. For certain procedures (including import), the Customs Tariff Law requires payment of a fee for customs processing calculated on the value of the goods concerned, albeit with an upper limit. .</p> <p>3. <i>However</i>, pursuant to Moldova’s commitments under the EU Association Agreement, all customs processing fees calculated on the basis of the value of the goods will be abolished as of January 1, 2015. Customs expenses for provision of such services will be paid from the budget. The tables below list current customs fees and the customs</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>fees that will remain after January 1, 2015.</p> <p>4. The customs fees that will remain after January 1, 2015 are specific amounts. The amount of these specific fees is limited to the approximate costs of such services, and was calculated by the Customs Service based on prior year (2013) costs of such services.</p>			
B. Procedures:		1.	
C. Institutional Framework:		1.	
D. Human Resources/Training:		1.	
E. Communication/Information Technology:		1.	
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note¹²:		1.	

Sistemul la momentul prezent

Nr. crt.	Serviciile vamale	Cuantumul taxei, în euro
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¹² For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

1	Vămuirea mărfurilor plasate în regim de import, de perfecționare pasivă (cu excepția celor menționate la pct.5), de transformare sub control vamal, în magazin duty-free, cu valoarea în vamă:	
	- de la 100 la 1000 euro	4
	- de peste 1000 euro	0,4% din valoarea în vamă a mărfii, dar nu mai mult de 1800 euro
2	Vămuirea mărfurilor plasate în regim de admitere temporară sau export temporar, respectiv reexportul sau reintroducerea acestora:	
	pe un termen de pînă la 2 luni, a mărfurilor prezentate la târguri și expoziții, pentru măsuri culturale și sportive	0,05% din valoarea în vamă a mărfii, dar nu mai mult de 400 euro
	pe un termen de peste 2 luni, a tuturor mărfurilor cu valoarea în vamă:	
	- de la 100 la 1000 euro	4
	- de peste 1000 euro	0,4% din valoarea în vamă a mărfii, dar nu mai mult de 1800 euro
3	Vămuirea mărfurilor plasate în export sau reexport, cu excepția celor menționate la pct.6	0,1% din valoarea în vamă a mărfii, dar nu mai mul de 500 euro
4	Vămuirea mărfurilor plasate în regim de perfecționare activă, cu valoarea în vamă:	
	- de la 100 la 1000 euro	4
	- de peste 1000 euro	0,1% din valoarea în vamă a mărfii, dar nu mai mult de 100 euro
5	Vămuirea mărfurilor plasate în regim de perfecționare pasivă în cazul scoaterii acestora pentru reparații, cu obligativitatea reintroducerii lor după efectuarea acestor lucrări	0,1% din valoarea în vamă a mărfii, dar nu mai mult de 500 euro

6	Vămuirea mărfurilor plasate în export, reexport, precum și la reintroducerea lor în cazul în care aceste mărfuri anterior au fost plasate în regimurile vamale de perfecționare activă, transformare sub control vamal sau perfecționare pasivă	0,15% din suma serviciilor prestate, dar nu mai mult de 100 euro; în caz de lipsă a serviciilor - 10 euro
7	Vămuirea mărfurilor plasate în antrepozit vamal, zonă economică liberă sau supuse distrugerii	0,1% din valoarea în vamă a mărfii, dar nu mai mult de 400 euro
8	Eliberarea adeverinței pentru înregistrarea mijlocului de transport, a caroseriei sau a motorului, introduse pe teritoriul țării (chiar și provizoriu), pasibile înregistrării în subdiviziunile structurale subordonate Ministerului Dezvoltării Informaționale	7
9	Păstrarea bunurilor în depozitele ce aparțin organelor vamale, inclusiv primite de ultimele în gestiune - de fiecare kilogram pentru fiecare zi de păstrare:	
	- pentru primele 30 de zile calendaristice	0,01
	- pentru următoarele 30 de zile calendaristice	0,02
	- pentru următoarele zile calendaristice	0,05
10	Aplicarea sigiliului vamal (inclusiv costul sigiliului)	4 - de sigiliu vamal
11	Prezentarea, la cerere, a informației statistice privind comerțul exterior cu mărfuri ale agentului economic respectiv, pe o perioadă de pînă la un an, cu excepția autorităților publice	5
18	Prelucrarea informațională a declarației vamale primare	4
19	Prelucrarea informațională a fiecărei declarații vamale complementare	1
21	Eliberarea certificatului de origine a mărfii	6

Sistemul propus

Nr. crt.	Serviciile vamale	Cuquantumul taxei, în euro
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1	Serviciile prestate de către organele vamale în afara programului obișnuit de lucru cît și în alte locuri decît birourile vamale (în prelungiri, pe timp de noapte și week-end, în timpul sărbătorilor și zilelor libere).	10 euro/ora
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8	Eliberarea adeverinței pentru înregistrarea mijlocului de transport, a caroseriei sau a motorului, introduse pe teritoriul țării (chiar și provizoriu), pasibile înregistrării în subdiviziunile structurale subordonate Ministerului Dezvoltării Informaționale	7
9	Păstrarea bunurilor în depozitele ce aparțin organelor vamale, inclusiv primite de ultimele în gestiune - de fiecare kilogram pentru fiecare zi de păstrare:	
	- pentru primele 30 de zile calendaristice	0,01
	- pentru următoarele 30 de zile calendaristice	0,02
	- pentru următoarele zile calendaristice	0,05
10	Aplicarea sigiliului vamal (inclusiv costul sigiliului)	4 - de sigiliu vamal
11	Prezentarea, la cerere, a informației statistice privind comerțul exterior cu mărfuri ale agentului economic respectiv, pe o perioadă de până la un an, cu excepția autorităților publice	5
18	Prelucrarea informațională a declarației vamale primare	4
19	Prelucrarea informațională a fiecărei declarații vamale complementare	1
21	Eliberarea certificatului de origine a mărfii	6

II. Questionnaire

<p>1. Do you comply with this measure? Fully: <input checked="" type="checkbox"/> Substantially: <input type="checkbox"/> Partially: <input type="checkbox"/> No: <input type="checkbox"/> Not Applicable: <input type="checkbox"/></p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force): <input checked="" type="checkbox"/> Category B (with extra time): <input type="checkbox"/> Category C (with extra time and technical assistance): <input type="checkbox"/></p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: <input type="checkbox"/> 1 Year: <input type="checkbox"/> 3 Years: <input type="checkbox"/> 5 Years: <input type="checkbox"/> Other (Specify): <input type="text"/></p>

4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:		
5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:		
6. Stakeholders not participating in assessment of this measure that should be consulted:		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High: __ Medium: __ Low: __ None: __ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
EU DCFTA Title V, Article 195	(a) fees and charges may only be imposed for services provided at the request of the declarant outside normal working conditions, hours of operation and in places other than those referred to in the customs regulations, as well as for any formality related to such services and required for undertaking such import or export; (b) fees and charges shall not exceed the cost of the service provided; (c) fees and charges shall not be calculated on an ad valorem basis;	
Competitiveness Roadmap Trade Facilitation Objective Nr.2.1.1	4.1.1. Amending the Law on Customs Tariff, Annex II with the aim to reduce the administrative and fiscal burden in line with the Association Agreement provisions	According to the Association Agreement provisions

Article 6.3 Penalty disciplines

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • Law does not ensure proportionate and uniform penalty decisions based on circumstances of individual cases <p><u>Description:</u></p> <p>1. Customs imposes fines for breach of the customs law under Articles 228 to 284 of the Customs Code. These articles define-</p> <ul style="list-style-type: none"> • the specific breaches of the customs laws that give rise to a fine under the Code (Art. 231) • the potential minimum and maximum fine applicable to each such breach, which is expressed as a percentage of the value of the goods involved (Art. 232) • the procedures and rights and obligations of Customs and the involved persons in the preparation, "investigation" (hearing), and decision of the case, the appeal therefrom, and the collection of the 	<p>1. Outdated penalty provisions of the customs code; lack of clear guidelines for hearing officers to ensure consistent/uniform application of aggravating/extenuating factors in setting penalty amounts.</p>	<p>1. Review and reform legislation authorizing administrative penalties for breaches of the customs laws taking into account the EU rules and directives on relevant to customs infringements and fines.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>fine (Arts. 240-284).</p> <p>2. Article 265 provides that when an investigation (hearing) on the case begins, Customs shall announce what case is being investigated, who is being held liable, and what article of the law is claimed to have been breached.</p> <p>3. Similarly, when a decision is taken on the case by Customs, Article 268 requires the decision to state circumstances discovered, article of the Code to which the decision refers and which provides the basis for the respective customs offense, and the decision.</p> <p>4. Article 267 provides that the hearing officer in investigating the case shall ascertain, among other issues, whether there are extenuating or aggravating circumstances.</p> <p>5. The factors to be considered when setting penalty amounts are not defined in customs legislation or administrative acts. However, Customs stakeholders advise that the extenuating and aggravating factors defined in the Criminal Code and Administrative Code</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>are generally applicable to administrative penalties applied by Customs.</p> <p>6. There are no specific provisions concerning the effect of a prior voluntary disclosure; Customs stakeholders advise that it is considered a mitigating factor, as under the Criminal Law.</p> <p>7. These provisions of the Customs Code are applicable where the offense is committed by legal entities or persons engaged in entrepreneurial activities without constituting themselves as a legal entity. The Contravention Code prescribes administrative penalties and procedures with respect to offenses committed by individuals and “persons in charge.”</p> <p>8. Private sector stakeholders note that for the same violation, Customs may make one penalty against the individual under the Contravention Code and another against the legal entity involved under the Customs Code.</p> <p>9. Private sector stakeholders note that penalties calculated as a percentage of</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
the value of the goods concerned leads to unfair results, where the same violation can result in vastly different penalty amounts.			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No guidelines/instructions issued to ensure uniform and consistent decisions in assessment, processing and mitigation of penalties <p><u>Description:</u></p> <p>1. Other than the legal provisions referenced above, there are no normative acts, written procedures or instructions issued on processing of penalties and determination of appropriate penalty amounts.</p> <p>2. Stakeholders note that there can be very different results in penalty cases involving the same violations and circumstances.</p>		<p>1. Develop and publish guidelines or instructions for Customs officers for the assessment, processing and determination of administrative penalties, including rights to be heard by the official responsible for taking the decision on the penalty amount (not only at the investigation stage).</p> <p>2. Training on use of guidelines</p>	
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> None identified by stakeholders <p><u>Description:</u></p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
1. Customs penalties are assessed by the Sector of Fraud at the local customs house level. The investigator who imposes the penalty also recommends the penalty amount, which is decided by the head of the customs office.			
D. Human Resources/Training:		1.	
E. Communication/Information Technology: <u>GAP(s):</u> <ul style="list-style-type: none"> • No system for registering and tracking penalty cases and/or appeals against customs decisions <u>Description:</u> 1. There is no electronic system for registering and tracking penalty cases and/or appeals made against these and other customs decisions.		1. Develop and implement a customs penalties and appeals automated case management system to register, monitor, and report on penalties and appeals.	
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note¹³:		1.	

¹³ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially: <u>X</u> Partially:___ No:___ Not Applicable:___</p>		
<p>2. You expect to implement this measure by: Category A (by date of entry into force):___ Category B (with extra time):___ Category C (with extra time and technical assistance): ___</p>		
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>		
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>		
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>		
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>		
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:</p>		
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>		
<p>9. Related Commitments:</p>		
EU DCFTA Title V, Article 193(1)(l)	Moldova shall..."set rules that ensure that any penalties imposed for the breaches of customs regulations or procedural requirements be proportionate and non-discriminatory and, that their application, does not result in unwarranted and unjustified delays"	
Action Plan for Reform of the business regulatory	Amend the legal framework to distinguish between	Q 1, 2014

framework (2013 – 2020) Nr. 32	sanctions applied in import-export operations, so that they are commensurate with the intentions of the economic operator, excluding penalties or applying smaller sanctions for omissions or minor infringements and for those committed without fraudulent intentions or those that do not constitute gross negligence	
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Article 7.1 Pre-arrival processing

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No legal provisions for pre-arrival submission and processing <p><u>Description:</u></p> <p>1. The Customs Code does not contain any specific provisions authorizing or permitting pre-arrival submission and processing.</p> <p>2. Code provides the following with respect to timing of submission of customs cargo and goods declarations:</p> <ul style="list-style-type: none"> Carrier required to inform Customs of crossing the frontier; no provision or obligation for prior notification (Art. 144) Carrier required to notify arrival of the goods at the customs clearance office within 30 minutes following delivery; no provision or obligation for prior notification (Art. 147) The declarant or his agent is required to submit summary declaration upon presentation of 	<p>The purposes and benefits of the advance cargo and goods declaration procedure to support risk assessment is not well understood by Customs officers</p>	<p>1. Modify legislation to provide for pre arrival declaration submission and processing (advance cargo declaration and pre-arrival goods declaration)</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>the goods; no provision or obligation for submission prior to arrival of the goods (Art. 154).</p> <ul style="list-style-type: none"> Goods declaration required to be made within 72 hours following crossing of the customs frontier; no provision for submission prior to arrival (Art. 176). <p>2. Customs Code provides for electronic submission of goods declarations and supporting documents (Art.174 and 179).</p>			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No provisions for pre-arrival submission and processing <p><u>Description:</u></p> <p>1. At present, customs processing does not start until the goods are physically present in Moldova; therefore, no procedures have been developed. There are no procedures to allow the T1 or the SAD to be lodged in advance (see Transit section for description of advance declaration of TIR).</p>		<p>1. Develop procedures for pre-arrival cargo and goods declarations, including procedures for use of advance cargo declaration in risk assessment and control</p>	
<p>C. Institutional Framework:</p>		<p>1.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
D. Human Resources/Training:		1.	
<p>E. Communication/Information Technology:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • Pre-arrival customs and cargo declaration not implemented <p><u>Description:</u></p> <p>1. ASYCUDA World implemented, provides functionality for submission of goods (SAD) and transit (T1 and TIR) declarations. It does not at present accommodate advance cargo declarations.</p> <p>2. The system supports electronic submission of supporting documents.</p> <p>2. The system is fully operational in all customs offices.</p> <p>4. The TIR EPD system has been implemented by Moldova but no work is done by Customs on transit declarations arriving by this channel until goods physically arrive. This system is integrated into ASYCUDA.</p>	1. Financial costs of modification of ASYCUDA World system to accommodate pre-arrival declaration functionality.	1. Modify ASYCUDA World to incorporate pre-arrival declaration functionality	1. Financial support and technical expertise to implement pre-arrival processing functionality in ASYCUDA World
F. Equipment & Infrastructure:		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<i>G. Other Issues to Note¹⁴:</i>		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially: ___ Partially:___ No: <u>X</u> Not Applicable:___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force):___ Category B (with extra time):___ Category C (with extra time and technical assistance): ___</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:</p>
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>

¹⁴ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

9. Related Commitments:		
<p>Governmental Decision No. 765 of 25.09.2013 ("Road Map of the Government Aimed at Removing Critical Constrains to Business Environment for 2013 -2014) Nr. 28.1-28.2</p>	<p>Establish procedures for submitting, registering, checking and validating entry and exit summary declaration.</p> <p>Describe the operation of import and export control systems, by applying electronic interfaces of customs authority and clearance holders</p>	<p>1st Trimester, 2014</p>

Article 7.2 Electronic Payment

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. Customs Code allows payment by bank transfer or cash, including bank cards. Bank transfer to be made by declarant through a financial institution which transfers the funds to the Ministry of Finance accounts. (Art. 125(1)). Bank transfer can be made for payment of other fees collected by Customs including road tax, ecological tax, etc.</p> <p>2. The Customs Code contains provisions on use of credit cards for payment of duties and taxes (Art. 125(3)-(4)). However, Customs stakeholders advised that these are not used (at least, a credit card is not presented to Customs for payment; it may be presented by the cardholder to his bank to initiate the bank transfer to the Ministry of</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>Finance).</p> <p>3. There are no specific provisions for electronic automated credit or debit as means of payment, and these methods are not used.</p> <p>4. Note that the Customs Code requires payment of duty and tax, whether by bank transfer or cash, to be received by the Ministry of Finance <i>prior</i> to registration of the declaration.</p>			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • Electronic payment not integrated with declaration processing system <p><u>Description:</u></p> <p>1. Payment procedures are separate and precede the declaration processing flow. At present, electronic payment is not integrated into the ASYCUDA system.</p> <p>2. Customs stakeholders advised that they are developing a new module in ASYCUDA that would allow users to deposit funds in an account with the Ministry of Finance in advance which then could be used to pay each</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
declaration (a pre-paid account in the Ministry of Finance accounts linked to the ASYCUDA system).			
C. Institutional Framework:		1.	
D. Human Resources/Training:		1.	
E. Communication/Information Technology:		1.	
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note¹⁵:		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully: <input checked="" type="checkbox"/> Substantially: <input type="checkbox"/> Partially: <input type="checkbox"/> No: <input type="checkbox"/> Not Applicable: <input type="checkbox"/></p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force): _____ Category B (with extra time): _____ Category C (with extra time and technical assistance): _____</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: _____ 1 Year: _____ 3 Years: _____ 5 Years: _____ Other (Specify): _____</p>
<p>Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>4. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>

¹⁵ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

5. Stakeholders not participating in assessment of this measure that should be consulted:		
6. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:		
Issues to note (any comments or recommendations for negotiators, etc.):		
7. Related Commitments:		
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 61	implementation of the Gov. system for e-payments for public services	Q I, 2015
Competitiveness Roadmap Trade Facilitation Objective Nr.3.1.3	3.1.3. Introduction of the Internet-based system for paying customs duty through Internet (Internet banking)	III quarter, 2014

Article 7.3 Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
A. Policy/Legal Framework: <u>GAP(s):</u> <ul style="list-style-type: none"> The utility of this measure to economic operators may be 	1. Revenue impact; customs collections account for 70% of government revenue, and government does not want to risk collection by allowing delay or deferral of	1. Review and revise legislation to incorporate general rules for delay or deferral of payment of duty and tax subject to appropriate conditions, based on, for example, the EU customs	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>reduced by the fact that Moldova's customs law/policy generally does not permit importers to delay or defer payment of duty and tax, in whole or in part, but requires payment in advance.</p> <ul style="list-style-type: none"> • Use of simplified declaration procedure is limited to those who hold AEO certificate <p><u>Description:</u></p> <p>1. Customs Code authorizes use of a simplified two-step declaration procedure, with initial simplified declaration in the form of an incomplete declaration or trade or administrative document.</p> <p>2. Only persons who hold an AEO-simplifications certification can use this procedure. (Art. 184¹(1)(b) and 184²). (AEO provisions of the Code have not yet been implemented; an implementing Order was just approved by the government at the time of this assessment).</p> <p>3. Import duties are required to be paid in advance prior to filing the customs declaration (Art. 124(1)).</p>	<p>payment of duty and tax.</p>	<p>legislation.</p> <p>2. Review and revise current limitations on persons who are permitted to provide a guarantee to permit, for example, security to be provided by insurance companies.</p> <p>3. Review/revise customs code provisions to allow Customs to authorize persons other than AEO's to use simplified or incomplete declarations under appropriate conditions based on, for example, the EU legislation.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>4. Code provides for extension of time period for payment of import or export duties where “envisaged by law”, and a fee equal to the National Bank’s short term lending rate will be assessed for each day of any such extension unless otherwise provided by law (Art. 126).</p> <p>5. A small number of producers approved by the Ministry of Finance are permitted to defer payment of duty and tax up to 180 days on manufacturing inputs for production of goods for export. A slightly larger group of manufacturers approved by Customs are permitted a 90 day deferral of VAT (but not duty) on their production inputs used in manufacturing goods for export.</p> <p>5. Provisions on guarantees, generally following the EU legislation, are set out in Art. 127¹</p> <p>6. At present, only bank guarantees are accepted (<i>i.e.</i>, guarantees provided by insurance companies or other entities are not accepted)</p>			
<p>B. Procedures:</p> <p><u>GAP(s)</u>:</p>	<p>1. Same as above</p>	<p>1. Procedures for release prior to payment of duty and tax to be developed and published.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<ul style="list-style-type: none"> No procedures established <p><u>Description:</u></p> <p>1. No procedures established (no implementing decision or internal instructions) to allow release prior to final calculation of duty and tax, including use of deferral, because release prior to payment of duty and tax owed is generally not permitted.</p> <p>2. A declaration can be registered on the system but not accepted by Customs until payment of duty and tax has been received by Customs.</p>			
C. Institutional Framework:		1.	
D. Human Resources/Training:		1.	
<p>E. Communication/Information Technology:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Functionality to allow release prior to payment not implemented in declaration processing system <p><u>Description:</u></p> <p>1. ASYCUDA World system implemented in Moldova does not include functionality for simplified procedures</p>	1. Lack of funding to make necessary changes to the system	1. Analyze, design and implement functionality in ASYCUDA to allow release before payment of duty and provide the declarant or his agent with a view of the guarantee and duty and tax payment balances deposited with Customs.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>for release of goods on basis of simplified or incomplete declarations or use of supplementary declarations.</p> <p>2. Private sector stakeholders state that the declarant or his representative should have a view on the customs system of the person's guarantee; at present, a declarant or his agent cannot view the balance or usage of the guarantee. This also applies to the advance payments of duty and tax that the declarant or agent deposits with Customs.</p>			
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note¹⁶:		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially: ___Partially: <u> X </u> No:___ Not Applicable:___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force):_____ Category B (with extra time):_____ Category C (with extra time and technical assistance): _____</p>
<p>3. If Category B or C approximately how much time will you need to implement?</p>

¹⁶ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

6 Months:____ 1 Year:____ 3 Years:____ 5 Years:____ Other (Specify):_____		
4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:		
5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:		
6. Stakeholders not participating in assessment of this measure that should be consulted:		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
EU DCFTA Title V, Article 191(k)	Moldova shall..."introduce and apply simplified procedures for authorised traders according to objective and non-discriminatory criteria	
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 29	Implement procedures for simplified declaration (incomplete declaration, regular declaration and simplified declaration)	Q 1, 2013
Competitiveness Roadmap Trade Facilitation Objective Nr.2.1.1	Introduction of the delayed payment system according to EU standards	I quarter, 2014
Competitiveness Roadmap Trade Facilitation Objective Nr.2.1.2	Conducting a study on the opportunity of extending the possibility for the Customs Service to accept financial guarantees	III quarter, 2014

Article 7.4 Risk Management

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Provisions on coordination and exchange of risk-related information among Customs, border authorities, and other relevant entities should be extended and strengthened <p><u>Description:</u></p> <p>1. The Customs Code requires customs controls, including random selections, to be based on risk analysis. (Art. 192)</p> <p>2. Government Decision 1144 of 03.11.2005 (“Cu privire la aprobarea Concepției sistemului de administrare a riscurilor în Serviciul Vamal”) establishes the basic principles for the Customs Service’s implementation of a risk management system (RMS). The decision-</p> <ul style="list-style-type: none"> requires specific government authorities to provide Customs with specific types of information necessary for risk assessment and to establish procedures for 	<p>1. Exchange of information among border agencies, and Customs use of that information, is inhibited by the fact that Customs risk processes are largely automated while those of other border agencies are not.</p>	<p>1. Assessment of overall legal framework for coordination and cooperation on border risk assessment and control, including legal provisions related to sharing risk related information among border authorities and economic operators; draft necessary improvements</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>exchange of such information;</p> <ul style="list-style-type: none"> • requires customs controls to be based on principles of selectivity; • defines general structure, objectives and main tasks and methods to be undertaken by Customs in implementation of the RMS. <p>3. Customs is in process of updating Government Decision 1144 to extend list of government authorities with whom information will be exchanged and the form in which it will be provided, including information exchange with private entities.</p> <p>4. A weakness identified by Customs and experts is the exchange of information with other border agencies required for risk purposes. These other agencies (ANSA, Ministry of Health) are required to provide information, but it is on paper and delayed, rather than in a form that can be used by Customs automated systems.</p> <p>5. Customs has issued a number of regulations and internal orders (not published) relating to operation of the risk management system, including</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
orders regulating Customs officer's authority to intervene in transactions not selected by the system, exchange of information between customs units, etc.			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • Policies and procedures for implementation of a strategic risk management planning process <p><u>Description:</u></p> <p>1. Procedures based on Customs internal orders have been established to collect, analyze and employ risk management, as well as analyze efficiency of the criteria used.</p> <p>2. Outputs of the Risk Management unit are used to build, analyze and refine selectivity profiles in ASYCUDA as well to provide potential audit targets for the PCA Department.</p> <p>3. Expert evaluations of Customs RMS recommend certain improvements. These include implementation of structured, organization-wide strategic risk planning process to identify and address common risk priorities.</p>		<p>1. Develop and implement procedures to establish annual strategic risk management planning</p> <p>2. Develop and implement policies and procedures to monitor and ensure the application of border clearance processes consistent with risk-based system of customs and border controls</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • No significant gaps noted by Customs stakeholders • Need to strengthen formal communication mechanisms for exchange of risk related information among relevant Customs Service units <p><u>Description:</u></p> <p>1. Risk Analysis Division within the Law Enforcement Department of the Customs Service was established in 2006 based on Government Decision 1144.</p> <p>2. The Division is comprised of a staff of 12 persons subdivided into two units: an analytical/information center that is responsible for collection, exchange and analysis of information to create risk criteria and a unit responsible for managing selectivity in the ASYCUDA and Frontiera systems.</p> <p>3. Each territorial unit of Customs includes a Risk Management Service of 2 to 5 persons who are responsible for analyzing regional risks. There is also an officer at each customs post responsible</p>		<p>1. Review and implement necessary measures to ensure timely and full exchange of risk related information among Customs Service subdivisions.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>for analyzing local risk (3 levels). However, Headquarters manages all selectivity, within inputs from regional and local offices.</p> <p>4. Expert assessment of Customs current risk system indicates that communication on risk management issues between the various Customs divisions should be strengthened.</p>			
<p>D. Human Resources/Training:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • Training of Customs risk specialists in risk management technique, including compliance management approaches, statistical and data analysis, selection and prioritization of focus industries/economic sectors, and enhanced risk profiling and monitoring • Training of customs border staff on use and proper implementation of risk management <p><u>Description:</u></p> <p>1. Customs Risk Department obtains training in the form of exchange of information with other customs administrations (e.g., UK, Russia, etc.),</p>		<p>1. Assess training needs of Risk Division staff at Customs headquarters, regional and local levels with respect to use of risk analysis technique; develop and implement required training programs.</p> <p>2. Assess training needs of Customs BCP staff with respect to application of risk management in border operations; develop and implement required training programs.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>theoretical and practical training on risk analysis from EU members (e.g., one-year on the job training provided by Poland); study tours to other countries, etc.</p> <p>2. Customs stakeholders indicated that there is a gap within the customs organization concerning the purposes and proper application of risk management, and that training of regional and local staff in particular (at the BCP's) is required.</p> <p>3. There is a need for further training on technical analytical technique for risk specialists and associated software decision support tools.</p> <p>4. Similarly, expert assessments recommend Customs make greater use of "best practice" risk techniques such as compliance measurement based on statistical sampling, focus on specific economic sectors and industries, statistical random sampling to establish and confirm baselines, etc.</p>			
<p>E. Communication/Information Technology:</p>	<p>Funding</p>	<p>Assess Customs and other border authorities existing risk-related systems and current and future needs (including</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Data warehouse, platform for exchange of risk related data with other authorities and entities; integration of systems <p><u>Description:</u></p> <ol style="list-style-type: none"> The ASYCUDA World selectivity module is used by Customs to implement risk profiles with respect to goods. The ASYCUDA inspection act is also used to capture results of controls. Customs has implemented a Frontiera system for purposes of selecting vehicles and passengers for control (the latter is based on use of black lists, rather than rules). Customs has Oracle Discoverer (business intelligence analytics) which it uses against data extracted from ASYCUDA to identify emerging risks and trends. Inspection results and results of post-clearance audit results are reviewed but it is not clear if they are available in a form that is used by Discoverer. Customs would like to create a 		<p>integration with EU systems); develop and implement overall/global ICT strategy for border risk management</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>platform to allow exchange of risk related information among government authorities. At present, information is exchanged in writing, on the basis of official letters, for example.</p> <p>6. Experts have indicated that a data warehouse would be important to expand the types of data available for analysis, including data coming from other authorities.</p> <p>7. Customs has a system for managing customs fraud cases, not integrated with ASYCUDA. System functionality includes possibility to communicate suspect fraud reports between the BCP, where the truck enters, to the ICP, where the truck is examined.</p> <p>8. Customs manages a Frontiera system for controlling means of transport and passengers, which is a shared responsibility of the Border Police. The Border Police has capacity to provide data directly into the system that is used for risk purposes. There is no link between the ASYCDUA and Frontiera systems.</p> <p>9. Border Police do not have an</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>automated selectivity system but rely on Customs Frontiera system to target suspect vehicles and passengers.</p> <p>10. Customs has on-line access to Ukraine export information (and vice versa) through an “MD-UA Information Portal” which allows a view of trucks that are destined for Moldova prior to their arrival. Customs would like to add some functionality to this portal to automatically select high risk transactions.</p>			
F. Equipment & Infrastructure:		1.	
<p>G. Other Issues to Note¹⁷:</p> <p>1. There are no specific provisions or procedures requiring use of risk management by ANSA authorities in relation to its border control responsibilities (border control and release of goods subject to veterinary-sanitary, phytosanitary, or sanitary-epidemiological requirements).</p> <p>2. ANSA has only recently begun to</p>		1.	

¹⁷ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
incorporate risk management principles in its border control procedures. They have participated in risk assessment training programs related to import and export of goods.			

II. Questionnaire

<p>1. Do you comply with this measure? Fully: ___ Substantially: <u>X</u> Partially: ___ No: ___ Not Applicable: ___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force): ___ Category B (with extra time): ___ Category C (with extra time and technical assistance): ___</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: ___ 1 Year: ___ 3 Years: ___ 5 Years: ___ Other (Specify): _____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High: ___ Medium: ___ Low: ___ None: ___ Explain:</p>

Issues to note (any comments or recommendations for negotiators, etc.):		
8. Related Commitments:		
EU DCFTA Title V, Article 193	Apply modern customs techniques, including risk assessment ... in order to simplify and facilitate the entry and the release of goods	
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 40	Review and update the Government Decision no. 1144 from November 3, 2005 "On approving the Concept of risk management system in Customs	Q 4, 2013
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 45	Develop and approve general methodological rules on planning state controls of entrepreneurial activity based on risk criteria analysis for all control agencies., Each control agency approves own methodologies on planning controls based on these rules.	Q 4, 2013
Competitiveness Roadmap Trade Facilitation Objective Nr.3.2.2	3.2.2. Reduction of share of physical inspections in the total customs inspections and applying the customs corridors according to the selectivity principles based on risk assessment	I quarter 2014

Article 7.5 Post clearance audit

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<i>A. Policy/Legal Framework:</i>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. Post-clearance audit is authorized under Customs Code Articles 202¹ – 202⁹:</p> <ul style="list-style-type: none"> authorize Customs use of audit to check compliance with legislation related to passing goods through the border or use of customs procedures; define persons subject to audit; authorizes audit to be conducted at premises of holder of the goods, his representative, or any other person related to the customs operation or at premises of holder of relevant records place 5-year limit on initiation of an audit provides for audit to be based on risk analysis methods defines rights and obligations of Customs and persons in the conduct of an audit; requires all persons involved in external economic transactions to 			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>keep and present to Customs on demand documents related to such transactions for period of 5 calendar years</p> <ul style="list-style-type: none"> authorizes Customs to issue summons to third persons, including financial institutions, for testimony or documents, including bank account information of persons under audit 			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. Audit procedures are set out in the Customs Code and Customs Order No. 63 of 11.01.2013 (“Cu privire la aprobarea Normelor metodologice privind realizarea controlului ulterior prin audit post-vămuire și reverificarea declarațiilor vamale”).</p> <p>2. Required procedures relevant to transparency include-</p> <ul style="list-style-type: none"> audit initiated by a control order issued by Customs person under audit to be notified 3 		<p>1. Review and develop strategy and procedures to integrate PCA into overall risk and control border operations “with a view to expediting the release of goods.”</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>days in advance</p> <ul style="list-style-type: none"> • audit not to exceed 2 months, with possible extension • audit to be carried out during working hours of Customs and person under audit • Customs required to provide person under audit with explanation of his rights • Customs required to review preliminary results with person under audit, where breach of legislation found • Audit report (Post clearance Audit Act) to be drafted within 10 days of completion of audit, and is required to include findings of fact and legal grounds regarding the findings and measures taken by the team of auditors • Audit results can be challenged by the person under audit in accordance with the appeal procedures set out in the Customs Code [<p>2. According to Customs stakeholders, the audit and risk departments of central Customs Service regularly exchange information, including audit</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>results, which support each other's work.</p> <p>3. Private sector stakeholders expressed a concern that PCA will be not used to "expedite the release of goods" but may result in double controls (once at the border and again following release).</p>			
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. A PCA Department is established at the Customs Service HQ with units at each of the 7 customs houses. The Department has a staff of 60 persons nationally.</p> <p>2. At Headquarters, PCA Department consists of 15 staff in two units: one unit responsible for analysis, monitoring and planning, and the other unit responsible for post-clearance audits. Each customs officer in this central department is responsible for supervision of one or two customs houses. There are 60 PCA officers in total in the customs</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>administration.</p> <p>2. In the Chisinau customs house (the largest) there are separate staff dedicated exclusively to post-clearance audit and other staff responsible for re-verification audit; at other customs houses the same staff perform the two functions.</p> <p>3. Approximately 250 post-clearance audits are conducted per year.</p>			
<p><i>D. Human Resources/Training:</i></p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. Customs stakeholders consider the level of training to be sufficient.</p> <p>2. Twice per year they are provided training on post-clearance audit skills by EUBAM; they have been trained on accounting software; and representatives from their Department have received train-the-trainer programs from EU (Austria) on audit.</p> <p>3. EUBAM also provides technical expertise support as needed.</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p><i>E. Communication/Information Technology:</i></p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Analytical software to conduct trend analysis to identify audit targets <p><u>Description:</u></p> <p>1. Customs is developing a software tool to support the PCA department to guide auditors in the audit process, capture audit results and scanned documents, and generate reports for managers.</p> <p>2. There is a need for software to conduct macroeconomic and statistical analysis to identify those operators and areas that present risks for loss of revenue [note that in subsequent conversation with Risk Department, we were advised that that department has a license for Oracle Discoverer business intelligence software, which appears to be the type of software sought by the PCA department.]</p>	<p>Funding</p>	<p>1. Investigate/acquire analytical software (or extend Risk Department license for Oracle Discoverer to the PCA Department)</p>	
<p><i>F. Equipment & Infrastructure:</i></p>		<p>1.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
G. Other Issues to Note ¹⁸ :		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially: <input checked="" type="checkbox"/> Partially:___ No:___ Not Applicable:___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force):___ Category B (with extra time):___ Category C (with extra time and technical assistance): ___</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure: EUBAM</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure: Customs Service</p>
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:</p>
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>

¹⁸ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

9. Related Commitments:		
EU DCFTA Title V, Article 193(1)(e)	Moldova shall...”apply modern customs techniques, including risk assessment, post clearance controls and company audit methods in order to simplify and facilitate the entry and the release of good	

Article 7.6 Establishment And Publication of Average Release Times

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No significant gaps (no legal barrier) <p><u>Description:</u></p> <ol style="list-style-type: none"> There are no provisions in the Customs Code or other customs legislation that specifically obligate or authorize Customs to measure average release times. The Customs Code generally authorizes Customs to “create conditions for accelerating the traffic of goods across the Customs frontier” (Art. 11(j)). There are no provisions in the Customs Code or other customs legislation that specifically obligate or authorize Customs to publish information. Customs Code prohibits use of information provided to Customs other than for customs purposes, and generally prohibits disclosure of 		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
confidential information (Art. 17)			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No policies or procedures established for implementation and publication of regular time release studies based on WCO TRS or similar tools <p><u>Description:</u></p> <p>1. Customs is required to make monthly reports to Ministry of Finance and/or the government, using ASYCUDA, of release times using the different lanes. These reports are published in the annual performance reports of Customs. This reports time from the registration of the SAD to release in ASYCUDA; it does not cover the preceding activities (e.g., arrival or exit processing at the BCP) or time of processing of other border authorities.</p> <p>2. No procedures or policies have been established for implementation of periodic time release studies based on WCO methodology.</p>	<ul style="list-style-type: none"> 	<p>1. Develop and publish the required procedures to implement periodic time release studies</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. Customs is required to make regular reports based on ASYCUDA data of release times. Responsibility for submitting of these reports on release times, based on ASYCUDA data, is assigned to the Customs Revenue and Control Division, which would likely be responsible for implementing time release studies based on the WCO or similar methodology.</p>			
<p>D. Human Resources/Training:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Customs officers have not received formal training on WCO TRS methodology or use of the WCO internet software to support the TRS <p><u>Description:</u></p> <p>1. No formal training has been given to Customs officials on WCO TRS methodology or “best practices” in design of a study; Customs officers are</p>		<p>1. Assess training needs and deliver required training to customs officers on use of time release tools (in particular, use of the WCO time release software)</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>aware of the methodology through “self-study.”</p> <p>2. No formal training has been given on use of the WCO-provided software to create the database to capture/report on TRS results.</p>			
E. Communication/Information Technology:		1.	
F. Equipment & Infrastructure:		1.	
<p>G. Other Issues to Note¹⁹:</p> <p>1. The USAID BRITE Project conducted a time release study for the Customs Service in 2013, based on a modified version of the WCO methodology, and provided the results to Customs. Those results were not published by Customs. The BRITE Project has been requested by Customs to conduct a second study in 2014 to measure progress.</p>		1.	

II. Questionnaire

1. Do you comply with this measure?

Fully: ___ Substantially: Partially: ___ No: ___ Not Applicable: ___

¹⁹ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

<p>2. You expect to implement this measure by: Category A (by date of entry into force):_____ Category B (with extra time):_____ Category C (with extra time and technical assistance): _____</p>		
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:_____ 1 Year:_____ 3 Years:_____ 5 Years:_____ Other (Specify):_____</p>		
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>		
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>		
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>		
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:</p>		
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>		
<p>9. Related Commitments:</p>		
<p>[None]</p>		

Article 7.7 Trade Facilitation Measures for Authorized Operators

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No significant gaps in legislation <p><u>Description:</u></p> <p>1. Customs Code Articles 195¹-195³ establishes legal basis for AEO program (based on EU legislation).</p> <p>2. Customs may grant three types of AEO certificates: AEO safety + security, AEO simplifications, and AEO safety +security/ simplifications.</p> <p>3. Eligibility criteria are defined in the Code:</p> <ul style="list-style-type: none"> Moldova residency (within meaning of Tax Code) No debt to national public budget Possesses highly liquid assets No infringement of customs legislation in two years preceding application Record management systems to allow customs audit Secure premises, equipment and personnel for handling goods (AEO safety and security only) 	<p>1. Legislation conforms, but delay or deferral of payment of duty and tax is generally not permitted as matter of policy/law. Duty and tax must be paid even by AEOs prior to submission of declaration. Accordingly, benefits of AEO status will be reduced (e.g., no practical possibility of release of goods on the basis of simplified/incomplete declaration).</p>	<p>1. Review and revise legislation to incorporate possibilities for delay or deferred payment of duty and tax.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>4. AEO benefits are defined in the Code:</p> <ul style="list-style-type: none"> • Fewer physical and documentary controls compared with other operators • Priority in inspections • Customs control may be undertaken outside customs office, on request and upon Customs consent • Eligibility for simplified procedures defined in the Code (AEO simplifications) • Notification prior to arrival that goods/transport means are selected for physical control for safety and security purposes (AEO safety and security) • Use of incomplete declaration with minimum required data (AEO safety and security) <p>5. Customs Code Article 184² defines simplifications available to AEO-simplifications certificate holder:</p> <ul style="list-style-type: none"> • Simplified declaration procedure (release on basis of simplified declaration with subsequent complete declaration) • Clearance at the declarant's 			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>premises</p> <p>6. There are no specific provisions in the Customs Code concerning mutual recognition of AEO programs. Such agreements are within the competence of Parliament.</p>			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps. Implementing regulations were published by the government during the period of this assessment. <p><u>Description:</u></p> <p>1. The Customs Code provisions on AEO have not yet been implemented. However, during the period of this assessment, the Government published an Order that defines procedures for processing the application, issuance, suspension and revocation of AEO certificates (closely based on EU implementing regulation).</p>		1.	
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders 		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p><u>Description:</u></p> <p>1. A subdivision within the Customs Control Division has been recently designated responsible for administration of simplified procedures. This unit is staffed by four persons and will be responsible for supervision of the AEO program.</p>			
<p><i>D. Human Resources/Training:</i></p>		1.	
<p><i>E. Communication/Information Technology:</i></p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No provision in customs declaration processing system for incomplete, simplified and local clearance declarations <p><u>Description:</u></p> <p>1. ASYCUDA system implemented in Moldova does not accommodate the simplified procedures envisaged for AEO's, particularly simplified declarations.</p>	<p>1. Lack of funding required for development of customs processing system to allow for incomplete and simplified declarations and other AEO clearance and release simplifications (based on the EU model)</p>	<p>1. Analyze, design and implement functionality in ASYCUDA for simplified procedures</p>	
<p><i>F. Equipment & Infrastructure:</i></p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>G. Other Issues to Note²⁰:</p> <p>An important motivation for Moldova in establishing an AEO program is to enable mutual recognition agreements with other countries, and particularly the EU, in order to provide easier access for its exporters. For that reason, Moldova's legislation/implementing rules and procedures are intended to be identical or nearly identical to those of the EU.</p>		1.	

II. Questionnaire

<p>1. Do you comply with this measure?</p> <p>Fully:___ Substantially: ___ Partially: <input checked="" type="checkbox"/> No:___ Not Applicable:___</p>
<p>2. You expect to implement this measure by:</p> <p>Category A (by date of entry into force):_____ Category B (with extra time):_____ Category C (with extra time and technical assistance): _____</p>
<p>3. If Category B or C approximately how much time will you need to implement?</p> <p>6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>

²⁰ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

6. Stakeholders not participating in assessment of this measure that should be consulted:		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
EU DCFTA Title V, Article 191(k)	Moldova shall..."introduce and apply simplified procedures for authorised traders according to objective and non-discriminatory criteria	
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 30	Introduce in the regulatory framework the concept of "authorized economic operator", as well as of a mechanism and criteria for authorizing these operators, aimed at facilitating clearance procedures of goods for highly reliable economic operators, that will ensure clearance of goods with minimal involvement of the customs authority	Q 2, 2014
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 32	Create the mechanism for a "delayed payment" of import duties by economic operators, provided that a financial guarantee is submitted, as an exception from the general rule, that states that import duties and export duties are paid prior to filing the customs declaration	Q 2, 2014
Competitiveness Roadmap Trade Facilitation Objective Nr.2.1.1	Introduction of the delayed payment system according to EU standards	I quarter, 2014

Competitiveness Roadmap Trade Facilitation Objective Nr.3.2.3	3.2.3. Development and implementation of the Authorized Economic Operator (AEO) Program in line with the EU mode	II quarter, 2014
Competitiveness Roadmap Trade Facilitation Objective Nr.3.2.4	3.2.4. Development of the partnership program with EU so as to implement the recognition system of AEO	III quarter, 2014

Article 7.8 Expedited Shipments

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No specific authorizing provisions in the legislation No <i>de minimis</i> exception for small value/dutiable consignments <p><u>Description:</u></p> <p>1. Customs Code does not contain specific provisions on expedited shipments, or provisions to allow waiver of collection of duty on <i>de minimis</i> shipments or release of express shipments on single, simplified declaration.</p>	<p>1. Lack of information/knowledge of procedures and control methods used in EU countries to simplify and expedite clearance of air cargo express consignments and/or procedures/technology/systems used by air express companies to enable simplifications. This is a lack both for Customs and operators.</p>	<p>1. Review and revise legislation to provide for control and release simplifications for expedited shipments</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>(Note: the government has under consideration proposed amendments to the legislation to incorporate a <i>de minimis</i> exemption for goods imported as samples and goods valued at 22 Euros or less. This is based on the EU customs legislation).</p> <p>(Note: The Customs Code provisions on AEO are described in Article 7.7 Authorized Operators. However, Customs stakeholders indicated an intention to provide simplifications to express consignment industry separate from the AEO program).</p>			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No procedures defined specifically for express consignments <p><u>Description:</u></p> <p>1. No provisions/procedures have yet been established to implement expedited treatment of express consignments.</p> <p>2. At present, this type of business is subject to usual or normal customs</p>	Same as above	1.Develop and publish procedures for implementation of express consignment simplifications	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
procedures.			
C. Institutional Framework:		1.	
D. Human Resources/Training: <u>GAP(s):</u> <ul style="list-style-type: none"> No training provided on customs procedures related to express consignment <u>Description:</u> <ol style="list-style-type: none"> No provisions/procedures have yet been established to implement expedited treatment of express consignments. 		1.Design and provide training to customs officers and operators on express consignment simplified procedures	
E. Communication/Information Technology: <u>GAP(s):</u> <ul style="list-style-type: none"> Changes to customs declaration processing system may be required, depending on the design of the express consignment procedures adopted <u>Description:</u> <ol style="list-style-type: none"> Changes to the customs processing system may be required to allow the express consignment control and release simplifications, depending on 		1. Analyze, design and implement functionality in ASYCUDA required for control and release of express consignments under simplified procedures	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
how they are implemented.			
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note²¹:		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially: ___ Partially:___ No: <input checked="" type="checkbox"/> Not Applicable:___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force):___ Category B (with extra time):___ Category C (with extra time and technical assistance): ___</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:</p>

²¹ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
EU DCFTA Title V, Article 191(k)	Moldova shall...”introduce and apply simplified procedures for authorised traders according to objective and non-discriminatory criteria	

Article 7.9 Perishable goods

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No legal definition of perishable goods No specific provisions establishing a right to a written explanation where there is a significant delay in release of perishable goods <p><u>Description:</u></p> <p>1. Customs Code Art. 138 authorizes Customs to implement simplified customs clearance for live animals and perishable goods. The events and conditions of the simplified clearance application are determined by the Customs Service.</p> <p>2. Customs Code Art. 132(2) provides Customs with general authority to carry out clearance outside office hours at the request and expense of the entity concerned.</p> <p>3. Customs Code Art. 151(2) allows goods requiring “special storage conditions” to be held for temporary</p>		<p>1. Review and revise legislation to incorporate perishable goods disciplines</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>storage (prior to customs clearance) in the destination place under Customs supervision or other places authorized by Customs “in the way set forth by the legislation.”</p> <p>4. Customs Code Art. 199 requires Customs to review the declaration and supporting documents and examine the goods not more than 5 days from date of acceptance; however, this review and examination of perishable goods and other goods described in Article 138 must be within 3 days of acceptance. However, the law further provides that this period does not include time required by other government authorities for control.</p> <p>5. There is no specific provision in the Code requiring an explanation to be made, on request, if time frames for release of perishable goods are exceeded. Customs stakeholders indicated that Customs does have general obligation to provide information on request.</p> <p>6. There are no specific provisions in the Code requiring or authorizing priority in</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
examination to perishable goods.			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No formal instructions or guidelines on simplified clearance procedures for perishable goods <p><u>Description:</u></p> <ol style="list-style-type: none"> There are no orders or instructions issued by Customs implementing Article 138 of the Customs Code (simplified procedures for perishable goods). There are no orders or instructions issued by Customs for release of perishable goods at the operator's storage facility. There are no internal orders or instructions concerning scheduling of examinations of priority goods. Customs stakeholders stated that there is not a global authorization to allow importers to move perishable goods to their facilities pending release, but authorization is given on a transaction basis. According to private sector 	<p>Due to limited staff/resources, Customs work 8 hours per day at the ICP's where perishable goods must be cleared. Therefore if authorization is not given to move the goods to storage facility, the goods remain in the terminal yard until the next working day.</p>	<ol style="list-style-type: none"> Develop and publish instructions/guidelines for simplifications related to examination and release of perishable goods 	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
stakeholders, there are no guidelines or time limits established as to when goods must be checked by ANSA to allow release for export.			
C. Institutional Framework:		1.	
D. Human Resources/Training:		1.	
E. Communication/Information Technology:		1.	
F. Equipment & Infrastructure: <u>GAP(s):</u> <ul style="list-style-type: none"> Lack of suitable storage and testing facilities at the BCP's but improvements at 4 BCP's are planned. <u>Description:</u> <ol style="list-style-type: none"> Customs and ANSA do not maintain laboratory and specialized storage facilities at the BCP's and ICP's that can be used for perishable goods pending release. These improvements are planned at four BCP's but not yet constructed. At the ICP's, importers generally have the option to move imported goods subject to ANSA controls for storage at 		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
his facility pending release by Customs.			
G. Other Issues to Note²²:		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially: <u>X</u> Partially:___ No:___ Not Applicable:___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force):___ Category B (with extra time):___ Category C (with extra time and technical assistance): ___</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>
<p>6. Stakeholders not participating in assessment of this measure that should be consulted: ANSA Phytosanitary Control stakeholders (not available for validation session)</p>
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:</p>

²² For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
[none]		

Article 8 Border Agency Cooperation

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. The framework for inter-agency and cross-border cooperation is the 2011 national strategy on integrated border management (Government Decision Nr. 1212 of 27.12.2010). Pursuant to this, national border authorities, including Border Police and the Customs Service, establish cooperation and information sharing agreements. A new (continuation) strategy for integrated management is established for 2014 to 2017 and confirmed by Government</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>Decision No. 164 of 05.03.2014 (“cu privire la aprobarea Planului de acțiuni al Guvernului pentru anul 2014”). .</p> <p>2. With respect to cooperation between Customs and ANSA specifically, the Customs Code requires Customs Service to coordinate sampling of goods by other border authorities (Art. 202¹¹ (6)).</p> <p>3. Government Decision Nr. 1073 of 19.09.2008 (“cu privire la optimizarea modului de trecere a frontierei de stat de către mijloacele de transport auto cu mărfuri și pasageri, modificarea și abrogarea unor acte normative”) further defines the means of collaboration at the border between ANSA and the Customs Service in connection with SPS-related controls.</p> <p>4. With respect to cross-border cooperation, Moldova and Ukraine entered into an agreement for the operation of a joint-operated border crossing, where all four services are located (Border Police and Customs Services of both countries). This is established as a pilot project supported by EUBAM. A second jointly operated</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>border crossing with Ukraine will be built.</p> <p>5. Moldova also has cooperation agreements with Romania and Ukraine on border control matters, under which Border Police and Customs, conduct joint risk analysis, exchange information <i>etc.</i></p>			
<p><i>B. Procedures:</i></p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. All national agencies at the border (Border Police, Customs and ANSA) develop and agree to a defined “technological scheme” or processes for each border crossing where they operate to define their respective responsibilities and working modes of cooperation.</p> <p>2. Moldova has entered into bilateral agreements with Ukraine and Romania for the alignment of border crossing and working hours at BCP’s. These agreements are established by legal act</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
and are published.			
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. A National Council for Integrated Border Management has been established under the Ministry of Interior (parent authority of Border Police) in which all border authorities as well as private sector representatives participate.</p>		1.	
D. Human Resources/Training:		1.	
<p>E. Communication/Information Technology:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. There is a system for sharing information between Customs and the Border Police on persons and means of transport crossing the border. Data captured by the Border Police on persons and vehicles that cross the</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>border is automatically sent to the Customs system.</p> <p>2. Pursuant to bilateral agreements, Border Police exchange border crossing data electronically with their counterparts in Ukraine and Romania. Customs does the same with Ukraine with respect to goods declaration information, via a web portal (MD-UA Portal)</p>			
<p>F. Equipment & Infrastructure:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • Infrastructure of BCP's • Border Police lack of sufficient technical equipment for control of passengers and transport means <p><u>Description:</u></p> <p>1. National legislation which is harmonized with EU requirements defines the requirements of a BCP in terms of its physical elements (type and number of equipment, etc.). This is not implemented in Moldova; for example, there are BCP's that do not have separate lanes for cargo or AEO's; lights, controls, signage, inspector's cabins, etc.</p>	Funding	1. Assess and provide infrastructure and equipment needs of BCP's	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
2. Customs has specialized equipment for inspecting goods and means of transport. However, the Border Police require specialized equipment for their specific purposes to better implement a risk based system of control to facilitate border crossing.			
G. Other Issues to Note²³:		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully: <input checked="" type="checkbox"/> Substantially: <input type="checkbox"/> Partially: <input type="checkbox"/> No: <input type="checkbox"/> Not Applicable: <input type="checkbox"/></p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force): _____ Category B (with extra time): _____ Category C (with extra time and technical assistance): _____</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: _____ 1 Year: _____ 3 Years: _____ 5 Years: _____ Other (Specify): _____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>

²³ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

6. Stakeholders not participating in assessment of this measure that should be consulted:		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
Government Decision 1212 of 27.12.2010 ("Cu privire la aprobarea Strategiei naționale de management integrat al frontierei de stat pentru anii 2011-2013)	All provisions	Various
Government Decision No. Nr. 164 din 05.03.2014 ("cu privire la aprobarea Planului de acțiuni al Guvernului pentru anul 2014) Nr. 232	Implementarea managementului integrat al frontierei în conformitate cu cele mai bune practici ale Uniunii Europene	Trimestrul IV
Government Decision No. Nr. 164 din 05.03.2014 ("cu privire la aprobarea Planului de acțiuni al Guvernului pentru anul 2014) Nr. 233	Dezvoltarea infrastructurii frontierei de stat	Trimestrul III-IV

Article 9 Movement of Goods under Customs Control Intended for Import

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
A. Policy/Legal Framework:		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p><u>GAP(s):</u></p> <ul style="list-style-type: none"> See Article 11 Freedom of Transit. <p><u>Description:</u></p> <p>1. Movement of imported goods without payment of duty from the border office (BCP) to an inland customs office (ICP) for release takes place under the transit procedure.</p> <p>2. For description of Moldova's transit regime, see notes on Article 11 Freedom of Transit.</p>			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> See Article 11 Freedom of Transit. <p><u>Description:</u></p> <p>1. For description of Moldova's transit regime, see notes on Article 11 Freedom of Transit.</p>		1.	
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> See Article 11 Freedom of Transit. <p><u>Description:</u></p> <p>1. For description of Moldova's transit</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
regime, see notes on Article 11 Freedom of Transit.			
<p><i>D. Human Resources/Training:</i></p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • See Article 11 Freedom of Transit. <p><u>Description:</u></p> <p>1. For description of Moldova’s transit regime, see notes on Article 11 Freedom of Transit.</p>		1.	
<p><i>E. Communication/Information Technology:</i></p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • See Article 11 Freedom of Transit. <p><u>Description:</u></p> <p>1. For description of Moldova’s transit regime, see notes on Article 11 Freedom of Transit.</p>		1.	
<i>F. Equipment & Infrastructure:</i>		1.	
<i>G. Other Issues to Note²⁴:</i>		1.	

²⁴ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

II. Questionnaire

<p>1. Do you comply with this measure? Fully: <input checked="" type="checkbox"/> Substantially: <input type="checkbox"/> Partially: <input type="checkbox"/> No: <input type="checkbox"/> Not Applicable: <input type="checkbox"/></p>		
<p>2. You expect to implement this measure by: Category A (by date of entry into force): <input checked="" type="checkbox"/> Category B (with extra time): <input type="checkbox"/> Category C (with extra time and technical assistance): <input type="checkbox"/></p>		
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: <input type="checkbox"/> 1 Year: <input type="checkbox"/> 3 Years: <input type="checkbox"/> 5 Years: <input type="checkbox"/> Other (Specify): <input type="text"/></p>		
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>		
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure: Customs Service</p>		
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>		
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> Explain:</p>		
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>		
<p>9. Related Commitments:</p>		
EU DCFTA Title V, Article 193(4)	4. Provisions on transit (a) For the purposes of this Agreement, the transit rules and definitions set out in the WTO provisions, in particular Article V of GATT 1994, and related provisions, including any clarifications and amendments resulting from the Doha Round negotiations on trade facilitation shall apply. These	

	provisions also apply when the transit of goods begins or ends in the territory of a Party (inland transit).	
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Article 10.1 Formalities and Documentation Requirements

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No specific provisions requiring consideration by border authorities of border clearance times and costs of proposed legal acts (the WTO specified factors) Trade impact assessment should also be required for proposed new or changed “internal regulations” that have possible business impacts (e.g., opening and closing hours) Stronger obligation should be imposed on border agencies to conduct periodic review of existing requirements related to import, export and transit documentation and border formalities <p><u>Description:</u></p> <p>1. Any legal acts issued by Parliament, the government or public authorities that regulates “entrepreneurial activity” is subject to the review requirements of the so-called “guillotine law” (Law Nr. 235 of 20.07.06 “Cu privire la principiile</p>		<p>1. Review and possible expansion of the existing legal framework and procedures for regulatory impact assessment to -</p> <ul style="list-style-type: none"> ensure that trade-impact factors required by Article 10.1 are incorporated in the RIA analysis of new laws or regulations; ensure that the scope of the legislation requiring RIA extends to formalities and documentation requirements imposed by customs and border agencies, even if in the form of so-called “internal acts” require border agency to conduct periodic RIA review of <i>existing</i> formalities and documentation requirements affecting import, export and transit. 	<p>1. Provision of technical expertise in drafting and implementation of RIA legislation, particularly as applied to trade legislation</p>

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>de bază de reglementare a activității de întreprinzător”). This would include legal acts of these authorities affecting businesses engaged in import, export or transit activities.</p> <p>2. Under the law, a regulatory impact analysis shall be undertaken prior to enactment of such acts. Normative acts of such authorities cannot be invoked (not enforceable) if not complied with the provisions of this law.</p> <p>3. A regulatory impact analysis is defined to include an assessment of the costs and benefits and impact on business activity of the legal act. The RIA must be attached as a briefing note to the legal act.</p> <p>4. The law establishes a Commission responsible for monitoring the operation of the law and reporting quarterly to Parliament and the Government; reviewing RIA reports on the draft legislation; and supervising the monitoring of the effectiveness of normative acts. A working group, comprised of representatives of public and private sector, is established to</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>inform and assist in the activities of the Commission, particularly in regard to impact on entrepreneurial activity. The working group is supported by a Secretariat that has been funded with donor assistance.</p> <p>5. The Customs Code was amended as of January 1, 2014 to require the Government to prepare a regulatory impact analysis when drafting laws and acts in the customs domain that regulate business activities (Law Nr. 234 of 23.12.2013). This was intended to clarify and enforce application of Law Nr. 235 to customs regulations.</p>			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • Same as above <p><u>Description:</u></p> <p>1. Government Decision Nr. 1230 (“cu privire la aprobarea Metodologiei de analiză a impactului de reglementare și de monitorizare a eficienței actului de reglementare”) establishes the methodology to carry out the RIA, and requires each public authority to</p>		1.Same as above	1. Same as above

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>designate persons responsible for implementing the RIA.</p> <p>2. The Ministry of Economy is responsible for monitoring and providing methodological assistance to other government bodies in RIA.</p> <p>3. There are no specific provisions requiring consideration of trade impact factors described in Article 10.1 of the Agreement in carrying out the RIA.</p> <p>4. Government Decision Nr. 1181 (“privind monitorizarea procesului de implementare a legislației”) provides for monitoring of existing laws and implementing regulations of public authorities. This monitoring takes place according to a methodology set out in the order, and according to an annual schedule of laws to be monitored that is managed by the Ministry of Justice. Efficacy of the law in achieving its objectives and other impacts, including economic impact, are factors included in the methodology; the specific, trade-related factors and perspective referenced in Article 10.1 of the WTO agreement are not included.</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. Within the Customs Service, it is the Legal Department and the Strategic Management Division that are responsible for ensuring that the RIA is conducted on proposed legal acts.</p> <p>2. The unit(s) responsible for implementing RIA within ANSA and the Border Police were not identified in this assessment.</p>			
<p>D. Human Resources/Training:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Limited training on regulatory impact assessment techniques and procedures, as applied to trade-related impacts <p><u>Description:</u></p> <p>1. Persons responsible for implementing RIA in the Customs Service have received training on RIA analysis by the USAID BRITE project, among others. Training on RIA for ANSA and the Border</p>		<p>1. Training/experience-sharing on conduct of a regulatory impact, including tools and procedures, with specific focus on trade and border clearance related impacts.</p>	<p>1. Expertise on RIA analysis and technique as applied to trade-related laws and regulations, taking into account factors described in WTO agreement</p>

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>Police was not identified in this assessment.</p> <p>2. Training on analysis based on the specific factors described in Article 10.1, which are not currently incorporated in the RIA, would be required.</p>			
E. Communication/Information Technology:		1.	
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note²⁵:		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully: ___ Substantially: <input checked="" type="checkbox"/> Partially: ___ No: ___ Not Applicable: ___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force): ___ Category B (with extra time): ___ Category C (with extra time and technical assistance): ___</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: ___ 1 Year: ___ 3 Years: ___ 5 Years: ___ Other (Specify): _____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>

²⁵ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:		
6. Stakeholders not participating in assessment of this measure that should be consulted: ANSA and Border Police representatives should review and correct or expand on these results as they may not have participated in the validation session on this measure		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High: __ Medium: __ Low: __ None: __ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
EU DCFTA Title V, Article 193(2)	<p>2. In order to improve working methods, as well as to ensure non-discrimination, transparency, efficiency, integrity and accountability of operations, the Parties shall:</p> <p>(a) take further steps towards the reduction, the simplification and the standardisation of data and documentation required by customs and other authorities;</p> <p>(b) simplify requirements and formalities, wherever possible, with respect to the rapid release and clearance of goods;</p>	
EU DCFTA Title V, Article 194	<p>The Parties agree:</p> <p>. . .</p> <p>(e) to ensure that their respective customs and customs-related requirements and procedures continue to meet the legitimate needs of the trading community, follow best practices, and</p>	

	remain the least trade-restrictive possible.	
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 2	Develop a Methodology for the application of the Standard Cost Model to identify the potential regulatory burden reduction and presentation of proposals to reduce the burden	Q 2, 2014
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 3	Carry out the ex-post analysis of regulatory impact on regulations, by applying SCM (Standard Cost Model), identify the potential for the regulatory burden reduction and submit proposals on reducing the burden to the MoE	Annual, beginning with 2014
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 10	Review and improve the legal framework regulating RIA process and methodology and draw up RIA manual	Q 2, 2014
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 10	Review and improve the legal framework regulating RIA process and methodology and draw up RIA manual	Q 2, 2014
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 11	Develop and implement binding rules on permanent monitoring of the efficiency of the regulatory activities	Q 2, 2014
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 23	Ensure RIA analysis for all legislation governing entrepreneurship activity in the customs area	Q4, 2013
Action Plan for Reform of the business regulatory framework (2013 – 2020) Nr. 24	Review all draft regulatory acts developed by Customs Services, having a bearing on economic operators – regulation on the clearance procedures of goods, conditions and restrictions for economic operators while performing import/export operations, etc., within the Working Group for Regulation of Entrepreneurial Activity, according to established procedures.	Annually

Competitiveness Roadmap Trade Facilitation Objective Nr. 2.2.1	Adjusting to the EU standards of the set of data and documents requested from the companies to ensure the efficient exchange of data, diminishing the cost and time necessary customs clearance	II quarter , 2014
Competitiveness Roadmap Trade Facilitation Objective Nr. 2.2.2	Reducing the number of necessary acts for customs clearance of goods for export	IV quarter, 2014
Competitiveness Roadmap Trade Facilitation Objective Nr. 2.2.3	Assessment of the set of permissive documents required for export (in sanitary, phytosanitary, veterinary area) and elaboration of recommendations for optimization	II quarter, 2014
Competitiveness Roadmap Trade Facilitation Objective Nr. 3.4.1	3.4.1. Impact assessment of simplified procedures by questioning the beneficiaries	IV quarter, 2014
Competitiveness Roadmap Trade Facilitation Objective Nr. 5.1.1	5.1.1. Monitoring the implementation of the main legislative acts in the area of international trade and customs administration	I-IV quarters, 2014

Article 10.2 Acceptance of Copies

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Customs rules generally require submission of the original of supporting documents (exception made for electronic export) 	<p>1. There are obligations under EU legislation relating to SPS that originals of certificates be presented.</p>	<p>1. Review and revise customs legislation to allow use of copies of supporting documents, under appropriate conditions.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>declarations)</p> <p><u>Description:</u></p> <p>1. The Customs Code requires supporting documents, to be defined by the Customs Service, to accompany the declaration (Article 179). There are no provisions in the Code concerning use of copies.</p> <p>2. However, a Customs Order requires the declarant to submit the original of all documents required for clearance (including the transport document, commercial invoice, certificate of origin) (Nr. 276-0 of 24 October 2002). According to Customs stakeholders, this order remains valid and originals are required.</p> <p>3. The Customs Code allows the declarant the option to submit a paper or electronic declaration. Where the declaration is made electronically, Article 179(1¹) requires the supporting documents to be submitted electronically, and authenticated by electronic signature.</p> <p>4. At present, except in the case of an export declaration, where a declaration</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>is submitted electronically, Customs requires the declarant to present a signed paper copy with all original supporting documents attached. This is not required for export declarations, where submission of the electronic version and scanned supporting documents suffices.</p> <p>(Note: The intention is to provide the same option in the future for declarants who make import declarations.)</p> <p>5. There are no specific provisions allowing or requiring one government agency to accept an electronic or paper copy of a previously-filed document from another government agency</p> <p>6. There are no provisions in the customs laws that require the declarant to provide Customs with the original or copy of the foreign customs declaration for the goods that was submitted to customs authorities in the exporting country.</p> <p>(Note: Under a cooperation agreement between Moldova and Ukraine, Moldova Customs has on line access to export declaration data held by Ukraine</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
Customs).			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Copies accepted as matter of practice subject to provision of the original for comparison or verification <p><u>Description:</u></p> <p>1. As a simplified procedure, Customs does accept a copy of an original supporting document at time of clearance, subject to obligation of the declarant to produce the original subsequently.</p> <p>2. Customs will accept a notarized or certified copy of an original, but may require the original in any event to verify the copy.</p>		1. Review, clarify and publish Customs procedures to allow use of copies of supporting documents in lieu of originals.	
<p>C. Institutional Framework:</p> <p>N/A</p>		1.	
<p>D. Human Resources/Training:</p>		1.	
<p>E. Communication/Information Technology:</p>		1.	
<p>F. Equipment & Infrastructure:</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<i>G. Other Issues to Note</i> ²⁶ :		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially: ___ Partially: <u>x</u> No:___ Not Applicable:___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force):___ Category B (with extra time):___ Category C (with extra time and technical assistance): ___</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:</p>
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>

²⁶ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

9. Related Commitments:		
[none]		

Article 10.4 Single Window

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Legal framework on single window not yet analyzed or developed <p><u>Description:</u></p> <p>1. A single window for purposes of import, export and transit is agreed by the government as matter of policy, but no specific implementing provisions have yet been adopted (<i>e.g.</i>, feasibility study, project plan, designation of lead agency, <i>etc.</i>).</p> <p>2. Legislation has not yet been analyzed or further developed as necessary to support implementation of the single window. Stakeholders mention, for example, legal constraints on sharing information subject to data protection.</p>	<p>Funding and policy and technical expertise</p>	<p>1. Analysis and implementation of legal framework required to support development of a single window.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No procedures yet established <p><u>Description:</u></p> <p>1. No procedures concerning development and implementation of a single window have been developed or initiated.</p> <p>2. Business processes and data requirements of various border authorities have not yet been analyzed for purposes of implementation of a single window.</p>		<p>1. Procedures to be developed</p>	
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Single window authority has not yet been determined Participating authorities to be determined <p><u>Description:</u></p> <p>1. Customs Service is considered to be the most advanced among border authorities in terms of IT development, but there has not yet been a government decision to establish it or</p>		<p>1. Institutional framework for development and implementation of a single window to be determined.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>another body as the lead single window authority.</p> <p>2. No formal decisions taken as to the participating authorities.</p>			
<i>D. Human Resources/Training:</i>		1.	
<p><i>E. Communication/Information Technology:</i></p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Single window technology not yet determined <p><u>Description:</u></p> <p>1. No steps have yet been taken toward technical development of an IT solution to support single-window, and no formal decisions have been made concerning the scope, functionality or other aspects of such a solution.</p>		1. IT aspects and requirements to support a single window system to be determined.	
<p><i>F. Equipment & Infrastructure:</i></p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Equipment and infrastructure requirements necessary to support implementation of a single window system have not been investigated or determined 		1. Equipment and infrastructure requirements to be determined.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<u>Description:</u> 1. No decisions yet taken concerning implementation of single window and therefore no determination of equipment and infrastructure requirements.			
G. Other Issues to Note²⁷:		1.	

II. Questionnaire

1. Do you comply with this measure? Fully:___ Substantially: ___ Partially:___ No: <u>X</u> Not Applicable:___
2. You expect to implement this measure by: Category A (by date of entry into force):_____ Category B (with extra time):_____ Category C (with extra time and technical assistance): _____
3. If Category B or C approximately how much time will you need to implement? 6 Months:_____ 1 Year:_____ 3 Years:_____ 5 Years:_____ Other (Specify):_____
4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:
5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:
6. Stakeholders not participating in assessment of this measure that should be consulted:

²⁷ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
Competitiveness Roadmap Trade Facilitation Objective Nr.3.2.3	3.3.3. Creating an inter-institutional connection through an electronic single window by implementing the “Multiagency” module of interaction of authorities involved in the control of goods across borders, based on ASYCUDA World	II quarter, 2014
Government Decision 827 of October 28, 2013 “Transportation and Logistics Strategy for 2013 to 2022”, Nr. 67c	67. Dezvoltarea Sistemului ICT la posturile vamale interne și punctele de trecere a frontierei ... c) Sistemul electronic la Ghișeul unic	2014

Article 10.5 Pre-shipment Inspection

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
A. Policy/Legal Framework: <u>GAP(s):</u> <ul style="list-style-type: none"> None 	NA	1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<u>Description:</u> 1. Moldova does not require the use of pre-shipment inspections in relation to tariff classification and customs valuation, and has no plans for its introduction.			
B. Procedures: N/A	NA	1.	
C. Institutional Framework: N/A	NA	1.	
D. Human Resources/Training: N/A	NA	1.	
E. Communication/Information Technology: N/A	NA	1.	
F. Equipment & Infrastructure: N/A	NA	1.	
G. Other Issues to Note²⁸:		1.	

²⁸ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

II. Questionnaire

<p>1. Do you comply with this measure? Fully: <input checked="" type="checkbox"/> Substantially: <input type="checkbox"/> Partially: <input type="checkbox"/> No: <input type="checkbox"/> Not Applicable: <input type="checkbox"/></p>		
<p>2. You expect to implement this measure by: Category A (by date of entry into force): <input checked="" type="checkbox"/> Category B (with extra time): <input type="checkbox"/> Category C (with extra time and technical assistance): <input type="checkbox"/></p>		
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: <input type="checkbox"/> 1 Year: <input type="checkbox"/> 3 Years: <input type="checkbox"/> 5 Years: <input type="checkbox"/> Other (Specify): <input type="text"/></p>		
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure: N/A</p>		
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure: N/A</p>		
<p>6. Stakeholders not participating in assessment of this measure that should be consulted: N/A</p>		
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input checked="" type="checkbox"/> Explain: Pre-shipment inspection is not required or used in Moldova, and its introduction is not planned</p>		
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>		
<p>9. Related Commitments:</p>		
<p>EU DCFTA Title V, Article 193(3)</p>	<p>The Parties will not apply: ... (b) any requirements for the mandatory use of pre-shipment or destination inspections.</p>	

Article 10.6 Use of Customs Brokers

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps noted by stakeholders <p><u>Description:</u></p> <p>1. Legislation of Moldova does not require the mandatory use of customs brokers, and the government of Moldova does not plan to introduce mandatory use of customs brokers.</p> <p>2. Any company or natural person may make a declaration on their own behalf. However, to access ASYCUDA to make the declaration, the company or person must be authorized by Customs.</p> <p>3. The Customs Code permits the use of customs brokers to act on behalf of the declarant.</p> <p>4. Articles 162-168 of the Customs Code lay down measures on the use of customs brokers. These generally require customs brokers to be licensed by the Customs Service, define the general conditions for issuance of a</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>license, and define the customs broker's rights, duties and responsibilities <i>vis-a-vis</i> Customs and his client.</p> <p>5. Customs brokers (whether direct or indirect representatives) are jointly responsible, with their client, for payment of duty and tax.</p> <p>6. Carrying out customs broker activity without a license is defined as a customs offense subject to an administrative fine (Customs Code Art. 231).</p> <p>7. Although licensing conditions are set out in the Customs Code, the body actually responsible for licensing is the Licensing Chamber under the Ministry of Economy, which is authorized under the Law on Regulating the Licensing of Entrepreneurial Activity ("privind reglementarea prin licențiere a activității de întreprinzător, Lege nr.451-XV din 30.07.2001).</p> <p>8. This law establishes general principles and disciplines for the application, processing, issuance, revocation and renewal of licenses for business activities, including customs brokerage. That law also prescribes a fee for</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
issuance of a customs broker's license (3250 lei) and a validity period of 5 years.			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps noted by stakeholders <p><u>Description:</u></p> <p>1. Procedures for licensing of customs brokers are defined in the Law on Regulating the Licensing of Entrepreneurial Activity</p>		1.	
<p>C. Institutional Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Limited and divided authority between Customs and Licensing Chamber <p><u>Description:</u></p> <p>1. Responsibility for issuing, revocation, renewal of licenses and monitoring compliance with license conditions is under the authority of the Licensing Chamber of the Ministry of Economy in accordance with the Law on Regulating the Licensing of Entrepreneurial Activity</p>		1. Assess legislation, administrative structure, and current practices for improvements, including returning supervisory authority to the Customs Service.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
2. Customs Service has no authority to revoke or cancel licenses for customs violations but may assess penalties. According to Customs stakeholders, this limited and divided authority with respect to regulation of brokers creates difficulties for customs proper supervision, as well as delays for brokers in license applications and renewals.			
D. Human Resources/Training:		1.	
E. Communication/Information Technology:		1.	
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note²⁹:		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully: <input checked="" type="checkbox"/> Substantially: <input type="checkbox"/> Partially: <input type="checkbox"/> No: <input type="checkbox"/> Not Applicable: <input type="checkbox"/></p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force): _____ Category B (with extra time): _____ Category C (with extra time and technical assistance): _____</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: _____ 1 Year: _____ 3 Years: _____ 5 Years: _____ Other (Specify): _____</p>

²⁹ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:		
5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:		
6. Stakeholders not participating in assessment of this measure that should be consulted:		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: __ Low:___ None:___ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
EU DCFTA Title V, Article 193(3)	The Parties will not apply: (a) any requirements for the mandatory use of customs brokers;	
Competitiveness Roadmap Trade Facilitation Objective Nr.2.3.1	2.3.1. Training of SMEs for declaring goods on its behalf and reduction of dependency on customs brokers	III quarter, 2014

Article 10.7 Common Border Procedures and Uniform Documentation Requirements

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. Customs Code provisions required to be applied throughout customs territory in a “uniform and non-discriminatory manner” (Customs Code Art. 324).</p> <p>2. No additional specific legal provisions ensuring application of customs procedures and uniform documentation requirements. However, the Customs authority is defined as a single, unitary entity, that is directed by a central Customs Service, and to which all provisions of the customs legislation are applicable. (Customs Code Art. 9).</p>		1.	
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. The Customs Service issues internal</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>orders or instructions for detailed guidance by all BCP's and ICP's on various matters.</p> <p>2. The Customs Service enforces uniform application of laws and regulations through inspections and verifications. The Customs Service has implemented an internal audit program whereby each customs house must conduct a self-assessment in terms of compliance with customs orders.</p>			
C. Institutional Framework:		1.	
D. Human Resources/Training:		1.	
E. Communication/Information Technology:		1.	
F. Equipment & Infrastructure:		1.	
<p>G. Other Issues to Note³⁰:</p> <p>1. ANSA authorities are present and undertake controls at 8 of the larger BCP's and at all of the ICP's.</p>		1.	

³⁰ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

II. Questionnaire

<p>1. Do you comply with this measure? Fully: <input checked="" type="checkbox"/> Substantially: <input type="checkbox"/> Partially: <input type="checkbox"/> No: <input type="checkbox"/> Not Applicable: <input type="checkbox"/></p>		
<p>2. You expect to implement this measure by: Category A (by date of entry into force): <input type="text"/> Category B (with extra time): <input type="text"/> Category C (with extra time and technical assistance): <input type="text"/></p>		
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: <input type="text"/> 1 Year: <input type="text"/> 3 Years: <input type="text"/> 5 Years: <input type="text"/> Other (Specify): <input type="text"/></p>		
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>		
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>		
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>		
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> Explain:</p>		
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>		
<p>9. Related Commitments:</p>		
<p>EU DCFTA Title V, Article 193(1)</p>	<p>The Parties agree that their respective trade and customs legislation, as a matter of principle, shall be stable and comprehensive, and that the provisions and the procedures shall be proportionate, transparent, predictable, non-discriminatory, impartial and applied uniformly and effectively</p>	

Article 10.8 Rejected Goods

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by stakeholders <p><u>Description:</u></p> <p>1. <i>Live Animals and Animal Products:</i> Article 32 of Law Nr. 221 of 10.10.2007 (“privind activitatea sanitară-veterinară”) requires such goods to be returned to the country of origin where they are determined or suspected to be diseased or to present other risks. If return is not possible, ANSA with Customs may order the destruction. ANSA is required to notify the central veterinary authority in the exporting country of the measure taken in such cases.</p> <p>2. <i>Phytosanitary:</i> Law Nr. 228 of 23.09.2010 provides that where plants, plant products or objects subject to the quarantine phytosanitary regime are infected with harmful organisms, they may be refused entry in lieu of destruction or other measures. If the</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>goods are refused entry, the importer may return the consignment to the exporter, provided there is no danger of infection or introduction of harmful organisms. ANSA stakeholders indicated that return is the recommended course of action in most cases.</p> <p>3. <i>Goods subject to sanitary-epidemiological standards:</i> Government Order Nr. 384 of 12.05.2010 provides ___[To be provided by ANSA]</p> <p>4. <i>Goods subject to technical regulations:</i> Where the importer of such goods fails to provide the required certificate or declaration of conformity, Customs shall refuse release of the goods. In such of cases, the importer is provided the option to return the goods to the exporter or place them under another regime (<i>e.g.</i>, customs warehouse).</p>			
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Inconsistent application of law with respect to right to return live animals suspected of disease 	<p>Lack of modernized facilities and testing capacity at BCP's.</p>	<p>1. Develop and make publicly available formal procedures for importers who wish to return goods rejected for reasons on non-compliance with sanitary/phytosanitary/veterinary requirements.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p><u>Description:</u></p> <p>1. Customs stakeholders indicated that an informal re-export procedure is applied to ensure that goods rejected by ANSA authorities are exported under Customs supervision. Where goods are refused at the BCP, the process is to allow return without declaration; whereas if the goods are refused release at the ICP, the goods are declared to re-export to be returned to the foreign exporter.</p> <p>2. Although the law provides for return, an assessment of BCP's procedures indicated live animals suspected of disease were usually destroyed without allowing the importer the possibility to return the animal or to place the animal in quarantine to carry out clinical observation and biological examination to establish a diagnosis. It appears that such procedures are due to lack of quarantine facilities and adequate and timely diagnosis of the animal.</p>			
C. Institutional Framework:		1.	
D. Human Resources/Training:		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<i>E. Communication/Information Technology:</i>		1.	
<i>F. Equipment & Infrastructure:</i>		1.	
<i>G. Other Issues to Note³¹:</i>		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully: <input checked="" type="checkbox"/> Substantially: <input type="checkbox"/> Partially: <input type="checkbox"/> No: <input type="checkbox"/> Not Applicable: <input type="checkbox"/></p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force): _____ Category B (with extra time): _____ Category C (with extra time and technical assistance): _____</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: _____ 1 Year: _____ 3 Years: _____ 5 Years: _____ Other (Specify): _____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>
<p>6. Stakeholders not participating in assessment of this measure that should be consulted: ANSA authorities responsible for control of import of goods subject to sanitary-epidemiological standards (they were not available during the validation session)</p>
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?):</p>

³¹ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

High:___ Medium: ___ Low:___ None:___ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
[none]		

Article 10.9 Temporary admission of Goods/Inward and Outward processing

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Customs stakeholders recognize that there may be some gaps between current legislation and EU customs procedures that must be resolved (including simplifications) <p><u>Description:</u></p> <p>1. Temporary importation, inward processing and outward processing are 3 of the 8 customs “regimes” provided under the Customs Code (Art. 23). Generally, the definitions of these regimes are based on, and closely follow, the EU customs legislation. The intention of Customs is to bring the Code and procedures into closer alignment with the EU legislation, to the extent there are discrepancies.</p> <p>2. Goods placed under the temporary import regime may be fully or partially relieved from payment of import duties and tax. Goods eligible for total relief are defined in Government Decision</p>		<p>1. Further and closer alignment of customs procedures with EU customs legislation and implementing regulations.</p>	<p>1. Legal and technical expertise on EU economic procedures</p>

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>1140 of 02.11.2005, and generally follow the Istanbul Convention. All other goods are eligible for partial duty relief, which requires payment of 5% of the duty that would otherwise be owed each month the goods remain in the country. The period of temporary import allowed is 3 years, subject to extension. (Arts. 67-73¹)</p> <p>3. Outward processing allows goods in free circulation or under the inward processing procedure to be exported temporarily for purposes of processing abroad, and returned with total or partial relief from import duties. Total relief applies to goods exported for purposes of repair free of charge under warranty; otherwise duty is paid on the basis of the costs of repair. The period of temporary export is determined by Customs on case-by-case basis and may be extended on request "in well-grounded cases." (Arts. 74-84)</p> <p>4. Inward processing allows (i) foreign goods to be imported for processing purposes without being subject to import duties (suspension system) and (ii) refund of duties paid on goods</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>released for free circulation when exported after manufacturing (drawback system). Timeframes for re-exportation is determined in the authorization for the procedure. Use of equivalent goods and prior export is permitted under the suspension system (Arts. 57-62).</p> <p>5. Use of any of the three regimes requires a prior authorization from Customs (Art. 30). At present, the Code does not make provision for simplifications (i.e., authorization given on the basis of a goods declaration) or retroactive authorization.</p> <p>6. Provision of a guarantee is required for the temporary importation (Art. 29). However, goods imported on the basis of an international leasing contract are totally relieved of duty under the temporary import regime, and without requirement of a guarantee.</p> <p>7. The temporary admission and inward processing regimes may not be used for certain excisable goods, except for purposes of presentation or use at the exhibitions, fairs, and other similar events (Art. 30)</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Procedures for authorization and supervision of the inward processing procedure could be streamlined and simplified <p><u>Description:</u></p> <p>1. Government Decision 1140 of 02.11.2005 defines terms and conditions for use of all customs procedures, including temporary importation and inward and outward processing.</p> <p>2. Customs stakeholders indicated that the authorization process for inward processing, in particular might be simplified or streamlined.</p>		<p>1. Business process analysis and streamlining authorization process for processing procedures, consistent with EU legislation</p>	<p>1. Technical expertise in inward processing regimes</p>
<p>C. Institutional Framework:</p>		<p>1.</p>	
<p>D. Human Resources/Training:</p>		<p>1.</p>	
<p>E. Communication/Information Technology:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> IT support for authorization and supervision of processing procedures 	<p>Lack of funding</p>	<p>1. Business process and system analysis, design, and implementation of an IT support system for authorizations and supervision of customs processing regimes.</p>	<p>1. Funding and IT implementation support</p>

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p><u>Description:</u></p> <p>1. An ASYCUDA module manages guarantees for the temporary admission procedure and other suspense procedures.</p> <p>2. A separate module in ASYCUDA is needed for purposes of managing authorizations for inward and outward processing, including electronic submission of the application and supporting documents with electronic signature, functionality to allow exchange of information with other authorities whose expertise is required in connection with the authorizations, and tracking of goods placed under the regime. Customs has a system separate from ASYCUDA at present, but the authorization process is still paper based.</p>			
F. Equipment & Infrastructure:		1.	
<p>G. Other Issues to Note³²:</p> <p>1. Inward processing is used mainly by light industry and the textile industry used in inward processing.</p>		1.	

³² For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
Approximately 2000 authorizations are issued per year (single transactions).			

II. Questionnaire

<p>1. Do you comply with this measure? Fully: <input checked="" type="checkbox"/> Substantially: <input type="checkbox"/> Partially: <input type="checkbox"/> No: <input type="checkbox"/> Not Applicable: <input type="checkbox"/></p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force): <input type="text"/> Category B (with extra time): <input type="text"/> Category C (with extra time and technical assistance): <input type="text"/></p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months: <input type="text"/> 1 Year: <input type="text"/> 3 Years: <input type="text"/> 5 Years: <input type="text"/> Other (Specify): <input type="text"/></p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>
<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High: <input type="checkbox"/> Medium: <input type="checkbox"/> Low: <input type="checkbox"/> None: <input type="checkbox"/> Explain:</p>

Issues to note (any comments or recommendations for negotiators, etc.):		
8. Related Commitments:		
EU DCFTA Title V, Article 201	Requires approximation to EU customs legislation (which includes provisions on temporary admission, inward and outward processing)	3 years from entry into force of the agreement
Competitiveness Roadmap agriculture, industry, tourism Objective Nr.2.1	Development and approval of modifications of the legislative framework to introduce norms for setting up a special fiscal-customs administration regime favorable for the investment projects involving imports of material assets used for manufacturing goods meant for subsequent export. Modification of the legislation for exempting from VAT and customs duties payment for the raw materials and important auxiliary materials used for further processing and exportation	I quarter, 2014

Article 11 Freedom of Transit

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
A. Policy/Legal Framework: <u>GAP(s):</u> <ul style="list-style-type: none"> No legal provisions for advance 	1. According to some stakeholders, because many transit transporters are Moldovan businesses, Customs does not want to impose additional reporting	1. Revise customs legislation to provide for advance submission of transit data and to enable NCTS simplifications (generally,	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>submission of transit declarations</p> <ul style="list-style-type: none"> No additional gaps noted by stakeholders <p><u>Description:</u></p> <ol style="list-style-type: none"> Customs Code defines the transit procedure in Articles 42 to 49 (Law No. 1149-XIV of 20.07.2000). Goods under the transit regime are not subject to import or export duties or economic policy measures except as otherwise provided by legislation (Art. 42). Import or export duties from which transits are exempt include the customs fee, customs formality charge, VAT, excise duties and any other amounts due to the state for the import or export of goods and charged by the Customs Authority in accordance with the legislation (Customs Code Art. 1). Under the Customs Tariff law, fees are charged for customs seals and electronic processing of T-1 transit declarations. However, these and all other customs processing fees will be removed from January 1, 2015. 	<p>burden. In addition, it is said that facilitative benefits of advance declaration are limited by infrastructure issues (queues at busy border points) and border clearance on arrival is in any event fairly rapid (20 minutes).</p>	<p>closer alignment to the EU system)</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>5. There are no specific provisions authorizing or permitting advance submission and processing of transit documentation prior to arrival.</p> <p>6. Use of the transit regime requires provision of a guarantee (Art. 29(4)).</p> <p>7. The amount of the guarantee shall be equivalent to the amount of the customs debt, if that can be determined precisely on the date the guarantee is requested; otherwise the maximum estimated value (Art. 127¹)</p> <p>8. On request of the payer or a third person, Customs is authorized to accept a comprehensive guarantee covering two or more transactions. The amount of the comprehensive guarantee is to be set at a level to cover at any time the potential customs duty owed (Art. 127¹).</p> <p>9. If the holder of the transit procedure carried out by his/her own means of transport cannot guarantee observance of customs legislation, Customs may require as a condition of transit use of customs escort or transport by a third party, with costs incurred to be covered by the carrier (Art. 43(2)).</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>B. Procedures:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> NCTS transit simplifications have not yet been implemented <p><u>Description:</u></p> <p>1. Customs transit procedures are defined in Government Decision No. 1140 of 02.11.2005 and Customs Order No. 288. These are published on the on-line registry of state legal acts. The relevant provisions-</p> <ul style="list-style-type: none"> provide that the common EU transit system or the TIR system shall apply, at the choice of the operator; prescribe the formalities and required documents to be presented at the office of departure and destination and the level of customs controls; defines how the amount of a single guarantee and a comprehensive (global) shall be determined; require the office of destination to confirm to the office of departure (which manages the guarantee) receipt of the goods within 3 days of arrival of the truck; 			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<ul style="list-style-type: none"> the office of departure shall release and return a single guarantee to the bank once it has received the confirmation that the transit is completed (SAD copy 5) from the office of destination. <p>2. There is no information published on customs escort (other than the Customs Code. However, use of customs escort is not used.</p> <p>3. Technical regulations and conformity assessment procedures are not applied to goods placed under the transit procedure.</p> <p>4. [Note – issues related documentation and formalities covered under Article 10.1 “Formalities and Documentation Requirements”).]</p>			
C. Institutional Framework:		1.	
D. Human Resources/Training: <u>GAP(s):</u> <ul style="list-style-type: none"> No gaps noted by stakeholders <u>Description:</u> <p>1. There is a customs training center that was established with the support of EUBAM but is now financed from</p>		1.	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>Customs Service budget.</p> <p>2. Customs officers are said to receive training on transit issues and train-the-trainer programs from EU countries and other customs administrations. This training support is on-going.</p>			
<p><i>E. Communication/Information Technology:</i></p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> • Improvements required in systems of data exchange required for transit control with other government authorities • Upgrade ASYCUDA to include NCTS functionality • Automated risk selectivity is not done against T1 declarations because AYSCUDA selectivity is not yet integrated with ASYCUDA transit module <p><u>Description:</u></p> <p>1. Transits are declared on the ASYCUDA system. Those transits that arrive on a TIR are also captured in the ASYCUDA system.</p> <p>2. An ASYCUDA module allows Customs</p>		<p>1. Implement NCTS functionality and enable the use of selectivity against transit declarations.</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>to register guarantees used for transit and to track the use of the guarantee.</p> <p>3. When transit is released at the office of departure, the system automatically blocks an amount of the guarantee corresponding to the duty and tax. The blocked amount is automatically released in ASYCUDA immediately when the transit operation is completed at the office of destination.</p> <p>4. Customs has implemented the IRU's TIR Electronic Pre Declaration (TIR EPD). This system allows an operator to make transit data available to Customs at the office of departure in advance of the arrival of the truck for processing purposes. It is integrated in ASYCUDA.</p> <p>5. TIR EPD is not much used by transport carriers. Advance submission of data is not required by Customs. Due to the infrastructure issues noted below (lack of dedicated lanes for TIR EDP traffic), the facilitative benefits of this advance submission of duty are limited.</p> <p>6. Customs has taken over certain border inspection functions previously exercised by the Ministry of Transport</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>(control of transport vehicles weight, authorizations, etc.). To properly carry out these functions there is a need to upgrade systems for automated exchange of information held by the MoT required for control inspections.</p> <p>7. Moldova as an EU association member will be implementing NCTS. Customs intends to extend ASYCUDA World to incorporate the NCTS functionality. This has not yet been scoped and will require UNCTAD assistance.</p> <p>8. Automated risk selectivity on T1 declarations is not done because the ASYCUDA transit and selectivity modules are not yet integrated.</p>			
<p>F. Equipment & Infrastructure:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> Improvement of border infrastructure is a priority need for Customs <p><u>Description:</u></p> <p>1. At certain border crossing with Romania, there is a need to extend the number of lanes in order to separate</p>	<p>1. Lack of funding for infrastructure improvements</p>	<p>1. Improvement of BCP and ICP infrastructure generally to provide separate lanes (and associated improvements, such as signage, equipment, etc.) for transit and priority traffic (AEO, TIR EPD traffic).</p>	<p>1. Funding for BCP infrastructure improvements</p>

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>cargo (including transit) from other traffic as well as to provide a dedicated lane for AEO traffic.</p> <p>2. At the three or four larger border crossing points (BCP's), there are two lanes dedicated to T-1 traffic and two lanes for TIR traffic but there remain long queues that delays international transit.</p>			
<p>G. Other Issues to Note³³:</p> <p>1. About 50% of transit operations arriving in Moldova are under a TIR carnet; typically, those arriving from the east. The rest are T-1, mainly arriving from the EU.</p> <p>2. Moldova is a member of the Istanbul Convention but, under a reservation, does not allow transits under an ATA carnet.</p> <p>3. In terms of regional transit agreements or arrangements, Moldova as an EU association member will be implementing NCTS and cooperates</p>		1.	

³³ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
closely with Romania Customs. It also has arrangements with Ukraine for sharing on line customs declaration data on goods crossing the border, which is used by Customs for risk and control purposes. It participates in regular meetings of DG's of customs administration of the CIS countries which include discussion of transit issues.			

II. Questionnaire

<p>1. Do you comply with this measure? Fully:___ Substantially: <u>X</u> Partially:___ No:___ Not Applicable:___</p>
<p>2. You expect to implement this measure by: Category A (by date of entry into force):___ Category B (with extra time):___ Category C (with extra time and technical assistance): ___</p>
<p>3. If Category B or C approximately how much time will you need to implement? 6 Months:___ 1 Year:___ 3 Years:___ 5 Years:___ Other (Specify):_____</p>
<p>4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:</p>
<p>5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:</p>
<p>6. Stakeholders not participating in assessment of this measure that should be consulted:</p>

<p>7. National Priority Level (How important is it that this measure should be implemented in your country?): High:___ Medium: ___ Low:___ None:___ Explain:</p>		
<p>8. Issues to note (any comments or recommendations for negotiators, etc.):</p>		
<p>9. Related Commitments:</p>		
<p>EU DCFTA Title V, Article 194</p>	<p>4. Provisions on transit</p> <p>(a) For the purposes of this Agreement, the transit rules and definitions set out in the WTO provisions, in particular Article V of GATT 1994, and related provisions, including any clarifications and amendments resulting from the Doha Round negotiations on trade facilitation shall apply. These provisions also apply when the transit of goods begins or ends in the territory of a Party (inland transit).</p> <p>(b) The Parties shall pursue the progressive interconnectivity of their respective customs transit systems, with a view to the future accession of the Republic of Moldova to the Convention of 20 May 1987 on a common transit procedure.</p> <p>(c) The Parties shall ensure cooperation and coordination between all authorities concerned in their territories in order to facilitate traffic in transit. Parties shall also promote cooperation between the authorities and the private sector in relation to transit.</p>	
<p>Competitiveness Roadmap Trade Facilitation</p>	<p>Simplification of transit procedures, including the adjustment of the legal framework to the</p>	<p>IV quarter, 2014</p>

Objective Nr. 1.3.4	community transit requirements	
Competitiveness Roadmap Trade Facilitation Objective Nr. 3.1.5	3.1.5. Adjustment of the information system to the community transit requirements	I quarter, 2014
Government Decision 827 of October 28, 2013 “Transportation and Logistics Strategy for 2013 to 2022”, Nr. 67c	67. Dezvoltarea Sistemului ICT la posturile vamale interne și punctele de trecere a frontierei ... b) Noul Sistem Computerizat de Tranzit, NCTS; ... m) modulul selectivității în tranzit funcțional;	2014
Government Decision No. Nr. 164 din 05.03.2014 (“cu privire la aprobarea Planului de acțiuni al Guvernului pentru anul 2014) Nr. 232	BCP and ICP infrastructure improvements	

Article 12 Customs Cooperation

I. Situational/Gap Analysis

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>A. Policy/Legal Framework:</p> <p><u>GAP(s):</u></p> <ul style="list-style-type: none"> No gaps identified by Customs stakeholders <p><u>Description:</u></p> <p>1. Moldova has agreements with</p>		<p>1. Review legal framework to ensure that Customs has appropriate authority to share declaration information (including confidential information) with customs administrations of other countries, subject to appropriate conditions (based on, for example, EU customs legislation).</p>	

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
<p>Ukraine and Romania for real-time exchange of customs export information, including information concerning the transport means and goods that are destined for each other's territory. The purpose of the exchange is to detect VAT fraud, false invoices and documents, among other purposes.</p> <p>2. An automated web-based system of exchange of export information has been established with Ukraine (the MD-UA Portal), which is considered a model for CIS countries. A pilot project for automated exchange of information with Romania at the largest crossing point is under discussion with EU authorities.</p> <p>3. The Customs Service has entered into mutual assistance agreements with customs administrations of more than 20 countries.</p> <p>4. The Customs Code prohibits Customs authorities from using information provided to it by entities other than for customs purposes, and prohibits disclosure of confidential information to third parties, including government</p>			

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
agencies, except as provided by law (Art. 17).			
B. Procedures:		1. Review and establish formal internal procedures, as required, for the sending or processing of requests for information to/from other country customs administrations and ensuring security of confidential information received from such administrations, in accordance with WTO and EU Association Agreement requirements.	
C. Institutional Framework:		1.	
D. Human Resources/Training:		1.	
E. Communication/Information Technology:		1.	
F. Equipment & Infrastructure:		1.	
G. Other Issues to Note³⁴:		1.	

II. Questionnaire

<p>1. Do you comply with this measure? Fully: <input checked="" type="checkbox"/> Substantially: <input type="checkbox"/> Partially: <input type="checkbox"/> No: <input type="checkbox"/> Not Applicable: <input type="checkbox"/></p>
<p>2. You expect to implement this measure by:</p>

³⁴ For example, resistance to change; lack of political will or stakeholder awareness or buy-in; other issues (positive or negative).

Category A (by date of entry into force):_____ Category B (with extra time):_____ Category C (with extra time and technical assistance): _____		
3. If Category B or C approximately how much time will you need to implement? 6 Months:_____ 1 Year:_____ 3 Years:_____ 5 Years:_____ Other (Specify):_____		
4. Identify technical assistance projects/agencies/international organizations that have, or are, helping you implement this measure:		
5. Lead agency or organization and other stakeholders that would be responsible for implementation of this measure:		
6. Stakeholders not participating in assessment of this measure that should be consulted: Customs Service stakeholders should review and correct or expand these conclusions as necessary because this provision was not thoroughly reviewed during the course of the self-assessment.		
7. National Priority Level (How important is it that this measure should be implemented in your country?): High:_____ Medium: _____ Low:_____ None:_____ Explain:		
8. Issues to note (any comments or recommendations for negotiators, etc.):		
9. Related Commitments:		
EU DCFTA Title V, Article 197	In order to ensure compliance with the provisions of this Chapter the Parties shall, inter alia: ... (d) exchange, where appropriate, information and data subject to respect of the confidentiality of data and standards and regulations on protection of personal data;	
EU DCFTA Title V, Article 198	Without prejudice to other forms of cooperation envisaged in this Agreement, notably in Article 197 of this Agreement, the Parties shall provide each other with mutual administrative assistance in	

	customs matters in accordance with the provisions of Protocol III on Mutual Administrative Assistance in Customs Matters to this Agreement.	
Government Decision 827 of October 28, 2013 "Transportation and Logistics Strategy for 2013 to 2022", Nr. 67c	67. Dezvoltarea Sistemului ICT la posturile vamale interne și punctele de trecere a frontierei ... e) schimbul de informații între administrațiile autorităților din aceleași puncte de trecere a frontierei în baza Concluziilor din Cracovia;	2014