

**LAW OF THE REPUBLIC OF MOLDOVA
ON LICENSING SOME TYPES OF ACTIVITIES
No. 451-XV of July 30, 2001**

Official Monitor of the Republic of Moldova No. 108-109/836 of September 6, 2001

The Parliament adopts this organic law.

Article 1. Application and Scope of this Law

1. This Law determines legal, organizational, and economic framework for licensing some types of activities, establishes types of activities subject to licensing, and aims at ensuring state control over compliance with requirements and conditions fulfillment of which is necessary for performing such types of activities.
2. The manner of licensing established hereby shall not apply to licensing the activities of financial institutions, professional participants in the securities market, in the energy sector, telecommunications, informatics, television or radio, which are licensed in compliance with laws governing relations in those areas.

Article 2. Main Terms

For the purposes of this Law the following main terms shall be used:

License – an official document issued by the licensing authority, certifying the right of the licensee to engage in the type of activity specified therein during an established period in compliance with the license conditions on a compulsory basis;

Applicant – a natural person or legal entity duly registered in the Republic of Moldova as an enterprise, regardless of its ownership form or organizational or legal form, which filed with the licensing authority an application and necessary documents in order to get a license;

Licensee - an enterprise which obtained a license;

License conditions – totality of set requirements and conditions compliance with which is compulsory for any licensee when carrying out a licensed activity;

Licensing – totality of actions related to issuance, re-registration, suspension, renewal, and revocation of licenses, issuance of license copies and counterparts, maintenance of license files and license registries, control over compliance with the license conditions by the licensees, and issuance of instructions to eliminate violations of license conditions;

License registry – aggregate data about issued, re-registered, suspended, renewed, and revoked licenses;

License suspension – depriving a licensee of the right to engage in a certain type of activity for a certain period;

License revocation – depriving a licensee of the right to engage in a certain type of activity.

Article 3. Underlying Licensing Principles

The underlying licensing principles are as follows:

- a) ensuring equal rights and legitimate interests of all enterprises;
- b) applicant's confirmation of its/his/her ability to engage in a certain type of activity on its/his/her own responsibility;
- c) protection of rights, legitimate interests, and public health, environmental protection, and ensuring national security;
- d) establishing a uniform manner of licensing in the territory of the Republic of Moldova;
- e) publicity and transparency of licensing.

Article 4. Criteria for Determining Licensed Types of Activities

Licensed activities include those types of activities which, if carried out improperly, may prejudice rights, legitimate interests, or health of individuals, environment, or national security, and which cannot be regulated other than through licensing.

Article 5. Participants in the Licensing Process

The following shall be the licensing process participants:

- a) Licensing Chamber
- b) National Bank of Moldova
- c) National Securities Commission
- d) National Agency for Energy Sector Regulation
- e) National Agency for Telecommunications and Informatics Regulation
- f) Television and Radio Steering Council
- g) local governments
- h) central sectoral public authorities
- i) applicants

j) licensees.

Article 6. Licensing Authorities

1. The Licensing Chamber is entitled to license types of activities specified in Article 8(1), except items (43)-(55).
2. Executive bodies of local governments (mayor's offices) are entitled to license types of activities specified in items (53)-(55) of Article 8(1). They shall carry out the licensing in compliance with this Law based on the regulations approved by appropriate representative body of the local government.

Article 7. Licensing Chamber

1. The Licensing Chamber (hereinafter “Chamber”) shall have the status of a legal entity and a stamp with the national coat of arms and its name. The Chamber shall carry out its activity based on the regulations approved by the Government.
2. The Chamber shall have the following powers:
 - a) pursue the government policy and enforce licensing legislation;
 - b) issue, re-register, suspend, renew, revoke, invalidate licenses, issue copies and counterparts of licenses;
 - c) jointly with central sectoral public authorities and in coordination with the Ministry of Economy establish license conditions for specific types of activities and prepare a list of additional documents to be submitted by the applicant certifying its/his/her ability to engage in a specific type of activity;
 - d) organize control over compliance with license conditions by the licensees;
 - e) issue instructions on elimination of violations of license conditions;
 - f) maintain license files and a uniform license registry;
 - g) generalize licensing experience and make proposals to improve it.
3. Decisions of the Chamber may be appealed in court.

Article 8. Types of Activities Subject to Licensing

1. The following types of activities shall be subject to licensing:
 - 1) audit activities;
 - 2) insurance activities;
 - 3) pawnshop activities;

- 4) activity related to precious metals and gems;
- 5) activities related to gambling: organization and carrying out lotteries, running casinos, operating cash slot machines, sweep-stakes during sports competitions;
- 6) import and/or wholesale of imported alcoholic beverages, ethyl alcohol, and beer;
- 7) production and/or storage and wholesale of ethyl alcohol, alcohol products, and beer;
- 8) import and/or processing of tobacco, production and wholesale of tobacco products;
- 9) production and/or wholesale of planting materials and seeds;
- 10) breeding pedigree cattle;
- 11) design of fruit, berry, and vineyards plantations;
- 12) production for sale of the biological material of horses, cattle, pigs, sheep, poultry, and fish;
- 13) veterinary and pharmaceutical activities and/or veterinary care (except activity carried out by the state veterinary service);
- 14) import and/or sale of chemical and biological substances for protection of crops and crop growth stimulants;
- 15) collection and/or storage and export of ferrous and non-ferrous metals waste and scrap;
- 16) passenger transportation by motor vehicles (except intrajudet, municipal, and urban transportation);
- 17) design of all types of structures, town planning and/or engineering facilities, reconstruction and restoration work;
- 18) construction of buildings and/or engineering facilities and networks, reconstruction, reinforcement, restoration;
- 19) asset management of non-public pension funds;
- 20) employment of citizens in the country and/or abroad;
- 21) pharmaceutical activity (including with use of narcotics and psychotropic remedies);
- 22) medical care (except activities carried out by spending institutions and organizations);
- 23) activity in the area of genetics and microbiology;
- 24) activities of educational institutions of all levels, stages, and forms of training (except activities carried out by spending institutions and organizations);
- 25) prospecting and archeological research activities;
- 26) legal expert examination;
- 27) repairs of sports and/or hunting guns;
- 28) private detective activity and/or non-public protection activity and ensuring security;
- 29) import and/or export of, and trade in, arms and ammunition;
- 30) manufacturing and destruction of seals;
- 31) information coding services;
- 32) import and/or sale and storage of toxic chemical substances and materials;
- 33) storage and/or use of explosives, carrying out explosive work;
- 34) drilling work (except technical surveying in construction);
- 35) activity involving use of sources of ionized radiation and radioactive materials;
- 36) production and bottling of mineral and natural drinking water;
- 37) extraction of natural resources;
- 38) installation and/or adjustment, maintenance of automated fire alarm and control systems, as well as building smoke protection and fire alert systems;
- 39) topographic, geodesic, and cartographic activities;
- 40) real estate evaluation;
- 41) tourist activity;
- 42) goods expert examination;

- 43) activities of financial institutions;
- 44) activities of professional participants in the securities market;
- 45) import and/or wholesale or retail trade in gasoline, diesel fuel, or liquefied gas;
- 46) production and/or supply, transmission, and distribution of electric power;
- 47) supply and/or transportation and distribution of natural gas;
- 48) rendering local and/or long-distance and/or international fixed telephone services;
- 49) providing cellular and/or satellite mobile telephone services;
- 50) informatics service rendering;
- 51) construction and/or maintenance, operation, and creation of television and radio stations and cable networks;
- 52) activity in the area of television and radio broadcasting;
- 53) retail trade in alcoholic beverages;
- 54) retail trade in tobacco products;
- 55) intrajudet and/or municipal and urban passenger transportation by motor vehicles, including taxis.

2. Types of activities not included in paragraph (1) shall be carried out without a license.
3. Licenses for other types of activities may only be introduced by introducing amendments and additions to the list of activities subject to licensing as set in paragraph (1).

Article 9. License Contents

1. License forms are documents subject to strict accounting. The forms designed according to a single sample have accounting serial numbers and through numbers. The license form formats and annexes thereto shall be approved by the Government.
2. The license shall specify the following:
 - a) name of the licensing authority;
 - b) license serial number, number, and issue date;
 - c) licensee's name, organizational and legal form, and legal address;
 - d) enterprise's state registration date and number and fiscal code;
 - e) type of activity (full or partial) for which the license is issued;
 - f) license duration;
 - g) signature of the Chamber head or his/her deputy certified by the seal of such authority.
3. Annex to the license shall specify all license conditions.
4. Ordering, safekeeping, and accounting for license forms shall be the responsibility of the Chamber.

Article 10. Documents Necessary to Obtain a License

1. In order to obtain a license, an enterprise manager or his/her authorized person shall file with the Chamber an application in the established format specifying the following:
 - a) enterprise's name, organizational and legal form, legal address, and fiscal code;
 - b) type of activity (full or partial) for which the applicant intends to obtain a license;
 - c) location of branches and other stand-alone divisions of the enterprise which will carry out the activity under a license;
 - d) applicant's confirmation of his/her ability to engage, on his/her responsibility, in a certain type of activity and authenticity of filed documents.
2. The following shall be attached to the license application:
 - a) copy of the enterprise's certificate of state registration authenticated by a notary or issuing authority;
 - b) additional documents as per the list envisioned by Article 7(2)(c). Original documents or their copies authenticated by a notary or issuing authority shall be filed. Copies on electronic carriers can support the documents.
3. No other documents, except those envisioned by this Article, may be requested.
4. License application and documents attached thereto shall be accepted based on an inventory, a copy of which specifying documents receipt date and certified by the signature of a responsible person shall be forwarded (handed in) to the applicant..
5. The license application shall not be considered in the following events:
 - a) the application was submitted or signed by a person without appropriate authorization;
 - b) documents are executed in violation of the requirements set forth in this Article.
6. The applicant shall receive written notice of non-consideration of the license application specifying grounds for it and within the time frame envisioned for license issuance.
7. Following the elimination of reasons that served as the grounds for non-consideration of the license application, the applicant may submit a new license application, which shall be considered in the established manner.

Article 11. Decision to Issue a License or Deny its Issue

1. The Chamber shall make a decision to issue a license or deny its issue within not more than fifteen business days from the license application and all attached documents filing date.
2. Written notice of license issuance decision, specifying bank particulars and license fee, or license deny decision shall be forwarded (handed in) to the applicant within not more than three business days from the decision date.
3. The following shall serve as grounds for denying license issuance:
 - a) unauthentic data in the documents filed by the applicant;
 - b) applicant's failure to comply, according to the documents filed, with the license conditions.
4. If license issuance is denied on the grounds of detected unauthentic data in the documents filed by the applicant, the applicant may file another license application not earlier than three months from the license denial decision date.
5. If license issuance is denied on the grounds of the applicant's failure to comply with the license conditions, the applicant may file another license application following the elimination of reasons which served as grounds for license issue denial.

Article 12. License Scope

1. Licenses issued by the Chamber shall be valid in the entire territory of the Republic of Moldova.
2. Licenses issued by local governments shall be valid in the territory within their jurisdiction.
3. Licenses obtained in the Republic of Moldova shall also be valid outside of the Republic of Moldova in accordance with the international agreements to which the Republic of Moldova is a party.

Article 13. License Duration

1. License shall be issued for five years with exceptions envisioned by paragraph (2).
2. For types of activities provided for in Article 8(1)(5)-(8) license shall be issued for one year, and for types of activities specified in Article 8(1)(46)-(47) license shall be issued for up to twenty-five years.

Article 14. License Issuance

1. License shall be executed within three business days from the day of receipt of a document confirming the license fee payment. A mark on the receipt date of the document confirming the license fee payment shall be made on the inventory of documents accepted from the applicant.
2. If the applicant fails to file the document confirming the license fee payment or fails to request the executed license within thirty days from the date the notice of the license issuance decision was sent (handed in), the Chamber is entitled to repeal the license issuance decision or invalidate such license.
3. For each branch office and any other stand-alone division of the licensee where the activity will be carried out under the obtained license, authorized copies of the license shall be issued to the licensee. The license copies shall confirm the right of the branch office or any other stand-alone division of the licensee to engage in activities under the obtained license.
4. If the licensee establishes a new branch office or other stand-alone division that will carry out the activity as per the obtained license, the licensee is obliged to file with the Chamber an application for a license copy and the documents envisioned by Article 10(2)(b).
5. In the event of liquidation of a branch office or other stand-alone division of the licensee that carried out its activity as per the obtained license, or if they terminate such activity, the licensee is obliged to submit a respective written notice to the Chamber within seven business days from the liquidation or activity termination date. Appropriate amendments shall be introduced in the license registry not later than the next business day following the date of such notice.
6. If the licensee intends to carry out the type of activity indicated in the license following its expiry, it/he/she is obliged to obtain a new license in the manner established by this law. The new license shall be issued not earlier than the last business day of validity of the previous license.
7. The licensee may not transfer the license or its copy to another party.

Article 15. License Re-registration

1. Change in licensee's name or other data contained in the license shall serve as grounds for license re-registration.
2. If grounds arise to re-register the license, within ten business days the licensee is obliged to file with the Chamber an application for license re-registration along with the license subject to re-registration and the documents (or their copies authenticated by a notary or issuing authority) confirming such changes.
3. Within three business days from the license re-registration application and attached documents filing date, the Chamber shall issue a re-registered license on a new form, taking into consideration the changes specified in the application, and necessary copies of such license.
4. The duration of re-registered license may not exceed the duration indicated in the previous license.

5. In the event of license re-registration, the Chamber shall make a decision to invalidate the previous license and introduce respective amendments to the license registry not later than the following business day after the decision date.
6. During review of the license re-registration application the licensee may continue its/his/her activity based on the certificate issued by the Chamber.
7. License which was not re-registered within a due period shall be invalid.

Article 16. Changes in Data Specified in the Documents Attached to the License Application

1. The licensee is obliged to notify the Chamber about all changes in data specified in the documents attached to the license application. The notice shall be submitted in writing within ten business days following the change, along with the documents (or copies thereof authenticated by a notary or issuing authority) confirming such changes.
2. Based on documents submitted the Chamber may make a decision to suspend the license.

Article 17. License Counterpart Issuance

1. License loss or damage shall serve as the grounds for issuing a license counterpart.
2. If the license is lost, the licensee shall file with the Chamber an application for license counterpart.
3. If the license is damaged and cannot be used, the licensee shall file with the Chamber an application for license counterpart together with the damaged license.
4. The Chamber is obliged to issue a license counterpart within three business days from the filing date of the license counterpart application.
5. The duration of license counterpart may not exceed the duration specified in the lost or damaged license.
6. If the license counterpart is issued, the Chamber shall make a decision to invalidate lost or damaged license and enter respective amendments to the license registry not later than the next business day following the decision.
7. During review of the license counterpart application the licensee may continue its/his/her activity based on the certificate issued by the Chamber.

Article 18. License Fee

1. The license fee is Mdl 1,800 with exceptions envisioned by paragraphs (2)-(4).
2. The license fee for the types of activities provided for in Article 8(1)(53) and (54) is Mdl 4,500. Such fee can be paid on an annual basis by equal installments.

3. The license fee for types of activities provided for in Article 8(1)(5)-(8) and (45) shall be set on an annual basis by the budget law.
4. The license fee for mobile telephone services and long-distance and/or international fixed telephone services shall be not less than a cash equivalent of US\$ 1 mln. Decision to issue such a license shall be published in the Official Monitor of the Republic of Moldova.
5. License re-registration and license copy fee shall be set at 10 percent, and license counterpart fee at 50 percent of the license fee.
6. License fees shall be transferred to state or local budgets accordingly.

Article 19. Licensing Control

1. Control over compliance with the license conditions by the licensees shall be exercised by the Chamber jointly with central sectoral public authorities by means of scheduled (not more than once per calendar year) and unscheduled controls.
2. Unscheduled controls shall only be carried out on the grounds of written statements of license conditions violation by the licensee or with a view to examining fulfillment of the instructions to eliminate license conditions violations.
3. When compliance with license conditions is examined the licensee shall submit all necessary information and documents and ensure conditions for effecting the control.
4. Based on the control results, a control act shall be drafted in two originals, of which one shall be forwarded (handed in) to the licensee and the other shall be kept at the Chamber.
5. If license conditions violations are detected, within ten business days from the control act date the Chamber shall issue instructions to eliminate the violations and a warning about possible suspension or revocation of the license if detected violations are not eliminated within a set deadline.
6. The licensee that received instructions to eliminate the license conditions violations shall submit to the Chamber information about elimination of the violations within the deadline set by the instructions.
7. If state supervisory authorities or local governments detect license conditions violations by the licensee, they shall inform the Chamber about such violations.

Article 20. License Suspension and Renewal

1. The following shall serve as grounds for license suspension:
 - a) licensee's failure to fulfill the instructions to eliminate license conditions violations within a set deadline;
 - b) licensee's partial or temporary loss of ability to carry out licensed type of activity;

- c) failure to pay annual license fee installment as envisioned by Article 18(2).
- 2. The Chamber shall make a decision to suspend the license within three business days and notify the licensee thereof not later than three business days following the decision. The license suspension period may not exceed six months.
- 3. The licensee is obliged to inform the Chamber in writing about elimination of circumstances that entailed the license suspension.
- 4. The Chamber shall make a decision to renew a license within three business days and notify the licensee thereof not later than three business days following the receipt of the respective notice and verification of the elimination of circumstances that entailed the license suspension.
- 5. The license duration shall not be extended by its suspension period.

Article 21. License Cancellation

- 1. The following shall serve as grounds for license cancellation:
 - a) licensee's application for license cancellation;
 - b) decision to cancel state registration of licensee enterprise;
 - c) unauthentic data was detected in the documents filed for license issuance;
 - d) a fact was established that the license or its copy was transferred to another party with a view to carrying out the licensed type of activity;
 - e) detected failure to submit within a set deadline a notice of changes in data specified in the documents attached to the license application;
 - f) failure to eliminate within a set deadline the circumstances that entailed license suspension;
 - g) repeated failure to fulfill the instructions to eliminate license conditions violations.
- 2. The license shall also be cancelled in other events envisioned by laws governing relations in respective areas.
- 3. The Chamber shall make a decision on license cancellation within ten business days from the date the grounds for doing so were established and bring it to the licensee's notice specifying grounds for cancellation not later than three business days following the decision date.
- 4. An entry on the license cancellation decision date and number shall be made in the license registry not later than the next business day after the decision date.
- 5. The license fee shall not be reimbursed if the license is cancelled.

Article 22. Licensing-Related Clerical Work

1. The Chamber shall create a license file for each enterprise applying for a license and maintain applications and issued licenses registry for each licensed type of activity.
2. All documents received from the licensee and copies of Chamber's decisions and instructions regarding the licensee shall be kept in the licensing file.
3. Applications and issued licenses registry shall specify data about the applicant, documents receipt date, the Chamber's decisions date and number, license issuance date and signature of the person that received the license.
4. The Chamber shall create and maintain a single license registry for each licensed type of activity.
5. The following shall be entered in the single license registry:
 - a) name of licensing authority;
 - b) licensee data;
 - c) type of licensed activity;
 - d) license issuance decision date and number;
 - e) license serial number, number, and issuance date;
 - f) license duration;
 - g) information about license re-registration, copies, and counterparts;
 - h) grounds for and date and number of instructions to eliminate license conditions violations;
 - i) grounds for and date and number of license suspension and renewal decision;
 - j) grounds for and date and number of license cancellation decision;
 - k) grounds for and date and number of license invalidation decision.
6. Licensing authorities shall maintain their license registries and provide to the Chamber information to ensure maintenance of a single license registry.
7. The information contained in license registries shall be transparent. Extracts from the registry shall be issued for a Mdl 50 fee payable to the state budget.
8. Public authorities shall be exempt from the license registry user fee.

Article 23. Final and Transitional Provisions

1. This Law shall take effect six months from its publication date.
2. Within six months the Government shall:
 - submit to the Parliament proposals on bringing current legislation in line with this Law;
 - bring its normative acts in compliance with this Law;
 - ensure revision and cancellation by ministries and departments of their normative acts that conflict with this Law;
 - adopt normative acts necessary for implementation of this Law.
3. Licenses issued prior to effectiveness of this Law shall be considered valid until their expiry.
4. Licenses for types of activities not envisioned by this Law shall be deemed invalid.
5. From the effective date of this Law Law on Licensing Some Types of Activities No. 332-XIV of March 26, 1999 shall be deemed repealed.

Eugenia Ostapciuc
Chairperson of Parliament

Chisinau, July 30, 2001
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